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STATE OF NEW HAMPSHIRE

SITE EVALUATION COMMITTEE

February 25, 2016 - 10:04 a.m.
Public Utilities Commission
21 South Fruit Street Suite 10
Concord, New Hampshire

**IN RE: SEC DOCKET NO. 2015-02
ANTRIM WIND ENERGY, LLC:
Application of Antrim Wind
Energy, LLC, for a Certificate
of Site and Facility.
(Prehearing conference)**

PRESIDING: Michael J. Iacopino, Esq. (Brennan...)
(Presiding as the Presiding Officer)

Pamela G. Monroe, SEC Administrator

COURT REPORTER: Steven E. Patnaude, LCR No. 52

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APPEARANCES:

Reptg. the Applicant:

Barry Needleman, Esq.
Rebecca S. Walkley, Esq.
(McLane Middleton)
Jack Kenworthy
Henry Weitzner

Reptg. Counsel for the Public:

Mary Maloney, Esq.
Asst. Attorney General
N.H. Dept. of Justice

**Reptg. Stoddard Conservation
Commission:**

Goeffrey T. Jones

**Reptg. the Harris Center for
Conservation Education:**

Stephen Froling, Esq.
James Newsom, Esq.

**Reptg. Audubon Society of
New Hampshire:**

Margaret Watkins
Frances Von Mertens

**Reptg. the Abutting
Residents Group:**

(all appearing pro se)

Janice Duley Longgood
Brenda & Mark Schaefer
Stephen Berwick

**Reptg. the Non-Abutting
Property Owners Group:**

(all appearing pro se)

Loranne Carey Block
Elsa Voelcker
Annie Law & Robert Cleland
Joshua Buco

Reptg. Windaction Group:

Lisa Linowes

Reptg. Meteorologists Group:

Dr. Fred Ward

Reptg. Levesque & Allen Group:

Charles Levesque, *pro se*
Mary Allen, *pro se*

Wes Enman, *pro se*

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P R O C E E D I N G

PRESIDING OFFICER IACOPINO: Okay.

We're going to get going here. I'm going to open up the prehearing conference in New Hampshire Site Evaluation Committee Docket Number 2015-02, the Application of Antrim Wind Energy, LLC, for a Certificate of Site and Facility. My name is Michael Iacopino. I am Counsel to the New Hampshire Site Evaluation Committee in this docket. To my left is the Site Evaluation Committee Administrator, Pamela Monroe. I have been designated by the presiding officer in this case, Commissioner Robert Scott, to preside over this prehearing conference. Prehearing conferences are conducted pursuant to the state Administrative Procedures Act.

The purpose of -- there are several purposes of a prehearing conference. One is to consider offers of settlement; to consider simplification of any issues; to consider stipulations or admissions as to issues of fact or proof, or anything that the parties will agree to; to discuss limitation on the number and types of witnesses that may be heard; to consider any suggestions with respect to any changes to the standard procedures that usually

{SEC 2015-02} [Prehearing conference] {02-25-16}

1 are undertaken in an administrative proceeding in New
2 Hampshire; consider consolidation of examination,
3 cross-examination, direct examination by witnesses or
4 parties; and to consider any other issues which aid in
5 the disposition of the proceeding, which we have found
6 in Site Evaluation proceedings to include discussion of
7 things such as discovery deadlines, discovery methods,
8 the scheduling in the context of our statutory
9 timeframes.

10 So, that's the purpose of our proceeding
11 here today. Everything that we say is being recorded
12 by our court reporter. Therefore, I'm going to ask
13 that, if you speak, please speak into a microphone.
14 Please wait to be recognized to speak. Since we have a
15 full room here today, it's not like some of our more
16 smaller cases where we can just informally chat. So,
17 please wait to be recognized to speak, and that way
18 we'll make a clear record here.

19 And, when you do first speak, why don't
20 you identify yourself, too, just for the convenience of
21 our court reporter, that will help. In addition, there
22 is a roster that is being sent around in the room. In
23 addition to telling us who you are at the beginning
24 here, I would ask that you write down your name and

1 your affiliation, as well as your contact information
2 on that roster that's making its way around the room.

3 At this point, I guess I will take
4 appearances. I will start with the table up front
5 where I see Mr. Needleman. And, if you could start the
6 appearances please, Barry.

7 MR. NEEDLEMAN: Sure. Is that on? Yes.
8 Barry Needleman, and with me is Rebecca Walkley, from
9 McLane Middleton, representing the Applicant.

10 PRESIDING OFFICER IACOPINO: And, why
11 don't you introduce who's to your right, I know there
12 with you as well.

13 MR. NEEDLEMAN: Sure. We also have Jack
14 Kenworthy and Henry Weitzner with us from the
15 Applicant.

16 PRESIDING OFFICER IACOPINO: Okay. And,
17 I'm going to go right behind Mr. Needleman, the
18 gentleman there.

19 MR. BUCO: Joshua Buco, non-abutting
20 property owner.

21 PRESIDING OFFICER IACOPINO: Okay. And,
22 to your right.

23 MR. BERWICK: Stephen Berwick, abutting
24 property owner, also representing Bruce and Barbara

1 Berwick, who are out-of-state right now.

2 PRESIDING OFFICER IACOPINO: Okay. Sir.

3 MR. JONES: Jeff Jones -- Jeff Jones,
4 Chairman of the Stoddard Conservation Commission.

5 PRESIDING OFFICER IACOPINO: Thank you.

6 DR. WARD: Fred Ward, from Stoddard, and
7 representing a total of five meteorologists.

8 PRESIDING OFFICER IACOPINO: And to
9 Mr. Ward's right?

10 MR. ENMAN: Wes Enman, individual
11 intervenor.

12 MR. FROLING: I'm Stephen Froling, and
13 together with a colleague, James Newsom, we appear for
14 the Harris Center for Conservation Education.

15 PRESIDING OFFICER IACOPINO: Thank you.
16 And, come up to the front table on my right, start with
17 Ms. Maloney.

18 MS. MALONEY: Mary Maloney, Counsel for
19 the Public.

20 MS. LINOWES: Lisa Linowes, for the Wind
21 Action Group.

22 MS. VON MERTENS: Francie Von Mertens,
23 Hampshire Audubon.

24 MS. WATKINS: Margaret Watkins, New

1 Hampshire Audubon.

2 PRESIDING OFFICER IACOPINO: Elsa?

3 MS. VOELCKER: Elsa Voelcker -- Elsa
4 Voelcker, non-abutter intervenor.

5 CHAIRMAN HONIGBERG: Okay. And, why
6 don't you go right down the table.

7 MS. CAREY BLOCK: Lorraine Carey Block,
8 non-abutter intervenor. And, I'm also here for Richard
9 Block, who could not be here today.

10 PRESIDING OFFICER IACOPINO: Thank you.

11 MR. LEVESQUE: Charles Levesque,
12 co-intervenor with Mary Allen, who is on my right.

13 PRESIDING OFFICER IACOPINO: Okay. And,
14 the table behind them?

15 MR. CLELAND: Robert Cleland,
16 intervenor.

17 MS. LAW: Annie Law, non-abutting
18 intervenor.

19 MS. DULEY LONGGOOD: Janice Duley
20 Longgood, abutter. And, I'm also here representing
21 Clark A. Craig, Junior.

22 PRESIDING OFFICER IACOPINO: Thank you.

23 MS. SCHAEFER: Brenda Schaefer, abutter
24 intervenor.

1 MR. SCHAEFER: Mark Schaefer, abutter
2 intervenor.

3 PRESIDING OFFICER IACOPINO: Okay. Is
4 there anybody that we missed?

5 *[No verbal response]*

6 PRESIDING OFFICER IACOPINO: Okay. The
7 process that we're going to use here today is I'm going
8 to try to take us through each of the criteria for a
9 prehearing conference as best as I can. I have sort of
10 listed the order in which I intend to do that. I do,
11 even though this is somewhat of a large group, you
12 should feel free to speak up. I'd just ask that you
13 seek to be recognized by raising your hand, so that we
14 can get whatever folks have to say down.

15 I thought that the best place to start
16 would be to designate, for the various intervenors that
17 have been grouped, which includes the non-abutting
18 property owners, the abutting residents, Mr. Levesque
19 and Ms. Allen, Mr. Pratt and Mr. Griffin **[Giffin?]**, to
20 have a discussion about who's going to be the
21 spokesperson for each of those consolidated
22 intervenors.

23 I guess, from the meteorologists, I only
24 see Dr. Ward. So, I guess you're their spokesperson,

1 is that correct?

2 DR. WARD: That's -- I take that on
3 reluctantly.

4 PRESIDING OFFICER IACOPINO: Yeah,
5 right.

6 *[Laughter.]*

7 PRESIDING OFFICER IACOPINO: Okay. How
8 about for the abutting residents: Barbara Berwick;
9 Brenda Schaefer, Mark Schaefer, Nathan Schaefer; Janice
10 Longgood; and Clark Craig? Has there been any --

11 MS. DULEY LONGGOOD: I can do that, if
12 there's no objection, since I've been through the
13 process before.

14 PRESIDING OFFICER IACOPINO: Okay.
15 Thank you.

16 MS. DULEY LONGGOOD: Janice Duley
17 Longgood. Sorry.

18 PRESIDING OFFICER IACOPINO: Yes. Thank
19 you. Okay.

20 MS. LINOWES: Excuse me, Mike? Just for
21 clarification, I'm not part of what this discussion,
22 but I wanted to ask, for the benefit of clarifying for
23 the others, are you asking for the spokesperson
24 throughout this entire proceeding or for today? And,

1 if it's for the entire proceeding, will you permit or
2 will the Committee permit the participants in any one
3 group to decide what topics they're going to address?
4 Maybe there's an overall spokesperson, but, for the
5 purpose of cross-examination, may be allowed to spread
6 that out a little?

7 PRESIDING OFFICER IACOPINO: Right now,
8 I'm talking about today. But the discussion will get
9 into that, once it's determined who's going to be --
10 who I should look to for input today. Okay? And,
11 then, the non-abutting group: Including the Blocks;
12 Robert Cleland, Annie Law; Henninger, Fish; Voelcker;
13 Sherbourne; Buco; Sullivan; and Iselin, have you all
14 talked about who you would like to speak for you today?

15 MS. CAREY BLOCK: For today, it would be
16 me. In general, it will be Richard.

17 PRESIDING OFFICER IACOPINO: Okay. All
18 right. Lisa raises a good point. I'm sorry? Oh, I'm
19 sorry, we've got two more that there are just two.

20 MS. LAW: Yes, I have a question.

21 PRESIDING OFFICER IACOPINO: Sure.

22 MS. LAW: All of the intervenors are
23 supposed to be here today, is that correct?

24 PRESIDING OFFICER IACOPINO: Well, they

1 should be here.

2 MS. LAW: Okay. Well, Benjamin Pratt
3 and John Giffin are not here. And, should they
4 continue to be allowed to be intervenors if they're not
5 here?

6 PRESIDING OFFICER IACOPINO: Sure.

7 MS. LAW: Oh.

8 PRESIDING OFFICER IACOPINO: I mean, if
9 they, you know, they're just going to have to live with
10 whatever schedule or whatever the determinations are
11 that come out of this meeting here today. If they
12 object to something, they can certainly file an
13 objection. But I suspect that the fact that they
14 didn't find it to be necessary to show up might impact
15 the way their objections are ruled on. Can't say that,
16 because I don't rule on them, but -- and, I guess,
17 Charlie, are you going to speak for you and --

18 MR. LEVESQUE: Yes, I will.

19 PRESIDING OFFICER IACOPINO: Okay.

20 MR. LEVESQUE: If, during the
21 proceedings, I'm not able to be here, Mary certainly
22 will do that, and I may be called away for work.

23 So, --

24 PRESIDING OFFICER IACOPINO: Yes. The

1 two-person intervenor groups are kind of easy to
2 understand.

3 MR. LEVESQUE: Okay.

4 PRESIDING OFFICER IACOPINO: And,
5 Mr. Pratt and Mr. Griffin [Giffin?] are not here, is
6 that right?

7 *[No verbal response]*

8 PRESIDING OFFICER IACOPINO: Okay. And,
9 I note that the other intervenor who is not here is the
10 IBEW? Did anybody hear from them?

11 *[No verbal response]*

12 PRESIDING OFFICER IACOPINO: Okay. And
13 is there anybody here from the Board of Selectmen?

14 *[No verbal response]*

15 PRESIDING OFFICER IACOPINO: Okay. All
16 right.

17 Let's talk about going forward with
18 respect to the groups. And, really, the groups that
19 I'm concerned about, because they contain more than two
20 people, are the meteorologists, the abutting residents,
21 and the non-abutting residents, each of those three
22 intervenor groups. Have you all sat down and discussed
23 in what your plan may be for a representative going
24 forward as we go through the actual hearings? Mr. Ward

1 -- Dr. Ward, I'll start with you.

2 DR. WARD: Yes. We have agreed that I
3 will generally be speaking for the meteorologists.
4 They will be here from time to time, and when specific
5 issues for which they have some expertise, they will be
6 here, and we would like to be able to have them
7 substitute for me when issues like that arise.

8 PRESIDING OFFICER IACOPINO: Okay. How
9 about on the abutting residents? Janice, have you guys
10 discussed how you want to proceed?

11 MS. DULEY LONGGOOD: We have not
12 discussed it. But I would think that I would like to
13 have other abutting residents be able to sit in, if one
14 of us is not able to be at all of the hearings.

15 PRESIDING OFFICER IACOPINO: Yes.

16 MS. DULEY LONGGOOD: I can speak for
17 folks when I'm able to go. I don't know what the
18 schedule is and what my work schedule will be.

19 PRESIDING OFFICER IACOPINO: Okay. And,
20 Lorraine?

21 MS. CAREY BLOCK: Richard will be the
22 spokesperson for our group.

23 PRESIDING OFFICER IACOPINO: Okay. I
24 understand the desire on some of the groups to

1 substitute. One thing that I'm going to ask you to do
2 is there's different things that an intervenor has for
3 responsibilities. One is, of course, representing the
4 group at the hearings. And, I understand that, you
5 know, it sort of makes sense, if the person who is
6 usually going to be your spokesperson can't be there,
7 somebody else would substitute. Under those
8 circumstances, I would ask that you please let the
9 Committee know or the Presiding Officer know that
10 before the hearing begins, or at the time that the
11 hearing begins, because, you know, we may not be up on
12 what's going on in each individual group.

13 But there's also other responsibilities,
14 which include the filing of testimony, the filing of
15 motions, if you have any requests to make of the
16 Committee, the filing of objections, and those sorts of
17 things. And, I think that, you know, we sort of look
18 to the spokesperson as sort of the person who will also
19 be undertaking those responsibilities, and will have
20 the responsibility of, for instance, filing objections
21 on time, getting motions filed in a timely fashion, if
22 you have motions, making sure that you file your
23 prefiled testimony, if you're going to present any
24 testimony, on time, you know, in addition to,

1 obviously, acting at the actual hearings.

2 So, I just want to go around the horn
3 again, to make sure that everybody is understanding of
4 that, and that I can still look to the same folks. So,
5 let me go counterclockwise this time. We'll start with
6 Lorraine Block. Is that your understanding, that you
7 and Richard -- you're representing the group today, but
8 Richard will be responsible for filings and things like
9 that?

10 MS. CAREY BLOCK: Yes. That's our
11 understanding.

12 PRESIDING OFFICER IACOPINO: And,
13 another reason why this is important is because, as
14 many of you -- I've seen almost all the faces here
15 before, we've all been here before. But one of the
16 things that you know that I sometimes have to do or Pam
17 will sometimes have to do is give you a call, because,
18 you know, something has come up, and we need to either
19 canvas the intervenors on what their position is or,
20 you know, somebody has asked for an extension,
21 sometimes we'll sort of act as an intermediary, I need
22 to know who to call. I can't literally call everybody
23 who filed to be an intervenor. So, that's why we're
24 asking that at this point.

1 So, I understand, from the non-abutting
2 group, that will be Mr. Block. And, I understand
3 Mrs. Block lives in the same place, and if he's not
4 home, we'll get her.

5 With respect to the abutting residents,
6 will you be taking that role on as well, Janice?

7 MS. DULEY LONGGOOD: Yes. And, I can
8 inform everybody else.

9 PRESIDING OFFICER IACOPINO: And, I
10 assume, from what you've said already, Dr. Ward, that
11 you'll be the person to call, if we need to speak to
12 somebody?

13 DR. WARD: Yes. And, we have a nice
14 round-robin with everything.

15 PRESIDING OFFICER IACOPINO: Okay. And,
16 Charlie?

17 MR. LEVESQUE: Yes.

18 PRESIDING OFFICER IACOPINO: Okay.
19 Okay. I'm sorry, go ahead.

20 MS. WATKINS: Margaret Watkins. Just a
21 point of the clarification. Carol Foss wasn't able to
22 be here today, but she -- I think she's on the record
23 for the Audubon contact.

24 PRESIDING OFFICER IACOPINO: Yes. For

1 the groups, for the organizations and individuals,
2 obviously, we have their initial pleadings. So, we do
3 have contact information, I hope, --

4 ADMINISTRATOR MONROE: Yes.

5 PRESIDING OFFICER IACOPINO: -- for
6 them. Okay. So, I think that covers what we need to
7 know with respect to who's going to speak for each
8 group of intervenors.

9 Does anybody have any questions about
10 that, before we move onto the next item, on my agenda
11 at least? Lorraine.

12 MS. CAREY BLOCK: I had a question, and
13 I'm -- they're not here, Katie Sullivan and Rosamund
14 Iselin. Rosamund actually, technically, is an abutter.
15 I think Richie had pointed that out to you where she
16 lives. So, should they still remain in our group or
17 how should that happen?

18 PRESIDING OFFICER IACOPINO: We're going
19 to have to look at that. This is the woman who lives
20 at the house right on the driveway into Willard Pond?

21 MS. CAREY BLOCK: Yes. Yes.

22 PRESIDING OFFICER IACOPINO: And, that's
23 Ms. Iselin. And, what about Katherine Sullivan, is she
24 technically an abutter, too, or claim to be an abutter?

1 MS. CAREY BLOCK: No, I don't think she
2 is technically.

3 PRESIDING OFFICER IACOPINO: Because
4 weren't they -- are they related somehow?

5 MS. CAREY BLOCK: Yes. They're mother
6 and daughter, but they don't live in the same house.

7 PRESIDING OFFICER IACOPINO: Okay. But
8 what they're saying is that -- I'm sorry. What the
9 issue here is is they're suggesting that Rosamund is
10 actually an abutter by virtue of her renting that home
11 that's on the driveway into Willard Pond. I don't know
12 how we're going to deal with that, but we will let you
13 know. Okay?

14 MS. CAREY BLOCK: Okay.

15 PRESIDING OFFICER IACOPINO: Because,
16 when I read the motions to intervene, I sort of got the
17 impression that Katherine and Rosamund were sort of
18 together. Obviously, if it's mother and daughter, that
19 would make some sense. And, I do understand that
20 Katherine has some health problems. So, we'll have to
21 determine how we're going to deal with that. And,
22 obviously, I would want to speak to those folks first,
23 before --

24 MS. CAREY BLOCK: Okay.

1 PRESIDING OFFICER IACOPINO: -- and get
2 their input on that before we did anything.

3 Does the Applicant have any objection,
4 if we were -- if the determination were to move
5 Ms. Iselin into the abutting property owners? My
6 understanding is, I don't know if you recall that, sort
7 of the brown house on -- right where we parked, when we
8 went to see Willard Pond on the site view, there's a
9 brown house right near where we parked. And, I was
10 told that, at the site view, that Ms. Iselin lives in
11 that home, although I don't think she owns it. And,
12 technically, well, people have represented it's an
13 abutting property, I haven't looked at it on the map,
14 but it would make sense.

15 MR. NEEDLEMAN: If it's an abutting
16 property, we don't have an objection. I just don't
17 know.

18 PRESIDING OFFICER IACOPINO: All right.
19 And, let me ask you this. If it is an abutting
20 property, but she wishes to remain with the
21 non-abutters, where her mother is, do you have any
22 objection to that?

23 MR. NEEDLEMAN: That's up to them to
24 decide.

1 PRESIDING OFFICER IACOPINO: Okay. All
2 right. Thank you.

3 MS. LINOWES: Excuse me, Mike? I'm
4 sorry. I think one of the questions that Ms. Iselin
5 might have is whether or not her rights differ whether
6 she's abutting or not abutting? I mean, if that -- if
7 it's a wash, then perhaps it's a nonissue.

8 PRESIDING OFFICER IACOPINO: Well,
9 unless there's some further litigation over the role of
10 each of the intervenors. They have been grouped, but
11 my recollection is, from the order, is that nobody has
12 been limited in terms of the relevant issues that they
13 can address. There is a method by which the Chair of
14 the Committee could limit the issues that a particular
15 intervenor can participate on. At this point, that
16 hasn't been done. Obviously, if the Presiding Officer
17 were inclined to do that at some point during the
18 course of these proceedings, there may be a difference
19 between what abutting property owners and non-abutting
20 property owners would be limited to. But, right now,
21 it doesn't make a difference.

22 And, our history with this ridgeline is
23 that we have not, at least in my recollection, limited
24 folks by issue, in either of the jurisdictional

1 proceedings or in the substantive application
2 proceedings. So -- but that doesn't mean it won't
3 happen, just so everybody knows. You know, there is an
4 option available to the Chair. And, if he determines
5 that the orderly and prompt disposition of the
6 proceedings requires that, he may do that. But that
7 may be the time that that issue comes up.

8 MS. LINOWES: Thank you.

9 PRESIDING OFFICER IACOPINO: Any other
10 questions about designation of spokespersons, with
11 respect to either the proceedings themselves, the
12 hearings, or the filings and other responsibilities?

13 *[No verbal response]*

14 PRESIDING OFFICER IACOPINO: All right.
15 And, so, I've made a note to look into the Rosamund
16 Iselin issue.

17 Okay. The Applicant recently filed a
18 supplement to the Application. Is everybody aware of
19 that? Is there anybody in the room who's not aware of
20 it?

21 *[No verbal response]*

22 PRESIDING OFFICER IACOPINO: Okay. It
23 was filed -- the way that I saw it was by virtue of a
24 download. Did everybody get the download? Has there

1 been any --

2 ADMINISTRATOR MONROE: It's on the
3 website, too.

4 PRESIDING OFFICER IACOPINO: Okay. And,
5 I understand that it's been posted on our website now.
6 So, -- Dr. Ward?

7 DR. WARD: Yes. I just had a question
8 for the Applicant. Is there anything in that that has
9 changed, other than the things that were added? I
10 didn't want to read through the whole thing to see if
11 there are any changes.

12 PRESIDING OFFICER IACOPINO: Well, we'll
13 get to that in a minute, okay?

14 DR. WARD: Okay.

15 PRESIDING OFFICER IACOPINO: First, I
16 just want to make sure that there's a -- everybody is
17 working from the same set of materials, okay? So,
18 nobody -- everybody's comfortable that they got the
19 full supplement?

20 *[No verbal response]*

21 PRESIDING OFFICER IACOPINO: Okay. When
22 you say -- I'll address your question now then,
23 Dr. Ward. What are you asking exactly? Did anything
24 change, for instance, a part of the Application that

1 might have some substantive information, change from
2 the original Application to the --

3 DR. WARD: Yes. It appears as though
4 it's the same, with additions. And, if there's any
5 changes, I didn't want to have to read through the
6 whole thing to see if there were changes, that's all.

7 PRESIDING OFFICER IACOPINO: I'm sure
8 the Applicant doesn't want to do your work for you.
9 But, Mr. Needleman, if you have a quick answer for him,
10 I don't know if you do or don't?

11 MR. NEEDLEMAN: I can try to help. What
12 we did, when we prepared the Application, was we tried
13 to pay attention as much as we could to the development
14 of the emerging rules that the Site Evaluation
15 Committee was working on. And, so, much of the
16 original Application did focus on those rules.

17 There were portions of the rules that we
18 couldn't predict how they would come out. And, in
19 fact, after we filed, there were some changes to those
20 rules. And, so, the supplement that you got is
21 intended to address the things in the rules that we
22 couldn't get addressed in the original Application.
23 And, that's really what the supplement focuses on.

24 DR. WARD: Thank you.

1 PRESIDING OFFICER IACOPINO: So, just to
2 flesh out Dr. Ward's question more. I mean, we're not
3 going to see that, you know, any particular -- the
4 height of any particular turbine has changed or
5 anything like that? There's no -- there's not intended
6 to be any substantive changes, just additional
7 information?

8 MR. NEEDLEMAN: No. It's additional
9 information consistent with the new rules.

10 PRESIDING OFFICER IACOPINO: Okay.
11 Thank you.

12 MS. LINOWES: And, Mike, I have a
13 question also. If this, that which was submitted on
14 Friday, of the Application supplement, is that it? Are
15 we to expect any other changes between now and --

16 PRESIDING OFFICER IACOPINO: You always
17 steal the show, Lisa. That was my next question to the
18 Applicant, --

19 MS. LINOWES: I'm sorry.

20 PRESIDING OFFICER IACOPINO: -- was
21 whether they anticipated any further supplement?

22 MS. LINOWES: Thanks, Mike.

23 MR. NEEDLEMAN: Yes, we do. The purpose
24 of the filing last week was really explicitly directed

1 at the new rules. And, you, of course, recall we got a
2 letter from the Committee asking us to look at that.
3 And, so, that was the purpose of that filing. We
4 expect, I think probably sometime probably the middle
5 of next week, to put in a short supplement to the
6 Application that will cover two issues.

7 One of those issues is that their --
8 it's going to be an updated description of the tax
9 equity portion of the financing, because of the
10 extension of the production tax credit. And, then, the
11 second one will be a slight description in the change
12 of the ownership structure. As people I think
13 understand now, Eolian and Walden are the owners of the
14 Project, but are separate. And, Walden is in the
15 process or very shortly will acquire Eolian and they
16 will become a single entity, which will actually
17 simplify the ownership structure here. And, so, we'll
18 have a brief amendment that also explains that issue.

19 Those are the only ones that we
20 anticipate at this point.

21 MS. LINOWES: If I may ask?

22 PRESIDING OFFICER IACOPINO: Sure.

23 MS. LINOWES: I mean, so, anything
24 having to do with shadow flicker, noise, aesthetics,

1 all of those are finalized then?

2 MR. NEEDLEMAN: Yes. There is an
3 updated shadow flicker report that has been revised to
4 reflect the requirements of the new rules, the same
5 with the noise report and so forth, and everybody
6 should have those now.

7 MS. LINOWES: Okay. And, then, one
8 other question with regard to ownership. Is RES still
9 part of the process or is it not?

10 MR. NEEDLEMAN: Do you mean "RWE"?

11 MS. LINOWES: Sorry. RWE, yes.

12 MR. NEEDLEMAN: Yes. I believe they sit
13 in the exact same position, yes.

14 MS. LINOWES: Thank you.

15 PRESIDING OFFICER IACOPINO: Okay. All
16 right. So, we should expect a supplement with two
17 updates, primarily dealing with the tax structure and
18 the ownership of the facility. And, other than that --
19 or, I assume there will be some amended prefiled
20 testimony going along with that, is that correct?

21 MR. NEEDLEMAN: Yes.

22 PRESIDING OFFICER IACOPINO: Okay.
23 Identification of issues in dispute and not in dispute:
24 I don't know how much time we really have to spend on

1 this. But the criteria that the Applicant must satisfy
2 is in the statute. I'm pretty sure everybody in this
3 room is familiar with it to one degree or another,
4 since most of you have already been through this at
5 least once, and have addressed it in two other
6 proceedings as well.

7 So, I guess the question out there, is
8 there any areas where the intervenors do not challenge
9 the Applicant with respect to the criteria that the
10 Site Evaluation Committee must consider? Dr. Ward.

11 DR. WARD: I assume, at some point, the
12 question of the use of ISO 9613-2 will come up? I
13 expect to address that.

14 PRESIDING OFFICER IACOPINO: Okay. But
15 my question is, is it something that you're going to --
16 is it something in the Application that you agree with
17 or is it -- I mean, that's my -- my question here is,
18 I'm trying to see if there are any areas of agreement,
19 things that we don't have to spend time talking about
20 discovery, deadlines on, and talking who's going to
21 provide what, talking about length of testimony on, so
22 that just trying to identify if there are any issues
23 that are not in dispute. I will be honest, I don't
24 expect to hear that there are any that are not in

1 dispute, because we have already done this before, and
2 every issue was disputed. And, you know, I assume to
3 hear the same thing again.

4 But I wouldn't really be doing my job if
5 I passed up an opportunity to see if maybe there was
6 some agreement. So, I guess -- I guess not. I knew
7 that would be a fast one.

8 Okay. The Applicant has filed its
9 prefiled testimony. We will get some supplements to it
10 next week, apparently, pertaining to the tax equity
11 issue and the ownership issue. I'm going to go around
12 the room with the intervenors and try to -- what I'm
13 going to try to do now is get an idea from you, and I
14 understand that you haven't had the opportunity to do
15 discovery on the testimony that's been filed already,
16 but I'm trying to get an idea as to what you're
17 thinking about whether or not you will be calling any
18 witnesses, if you have a rough idea of the number of
19 witnesses, and, you know, what the area of their
20 testimony will be.

21 Counsel for the Public, we already know
22 that you have at least one expert hired. Do you
23 anticipate hiring other experts or petitioning for the
24 hiring of other experts?

1 MS. MALONEY: I don't at this time. I
2 will just reserve a little rights to do that with you
3 with regard to the noise and shadow flicker, just
4 because I haven't reviewed the latest supplements.

5 PRESIDING OFFICER IACOPINO: Okay. So,
6 at this point, though, it's not anticipated?

7 MS. MALONEY: I don't anticipate it.

8 PRESIDING OFFICER IACOPINO: Lisa, how
9 about for Wind Action?

10 MS. LINOWES: I do want to speak with
11 some of the other intervenor groups. But I may be
12 bringing a noise expert in.

13 PRESIDING OFFICER IACOPINO: Audubon?

14 MS. WATKINS: I'm a little unclear
15 whether you're wondering whether we want people to
16 testify or whether you're talking expert witnesses? I
17 mean, last time I know that there was a panel of people
18 from Audubon who spoke to the issues. And, is that
19 what you're talking about?

20 PRESIDING OFFICER IACOPINO: Yes. Is
21 that sort of your plan on how you plan to proceed in
22 this proceeding?

23 MS. WATKINS: At this point, we are
24 likely to have a couple of people. Yes.

1 PRESIDING OFFICER IACOPINO: And, it's a
2 little bit different, because they're from your group
3 and you get them qualified as experts, I understand
4 that. But -- so, you would be anticipating putting on
5 a panel, somewhat similar to what occurred last time
6 around?

7 MS. WATKINS: Somewhat similar.

8 PRESIDING OFFICER IACOPINO: At least in
9 form?

10 MS. WATKINS: Yes, please.

11 PRESIDING OFFICER IACOPINO: Okay. All
12 right. And, Lisa, I assume -- I assume you're going to
13 have testimony yourself as well?

14 MS. LINOWES: Oh, I'm sorry. Yes. Yes.

15 PRESIDING OFFICER IACOPINO: I assumed
16 that. I probably shouldn't have.

17 *[Court reporter interruption.]*

18 PRESIDING OFFICER IACOPINO: I'm sorry.
19 I know that you filed testimony in every other case,
20 so -- okay. So, Audubon we probably can expect a
21 panel. And, that's an internal panel, generally raised
22 from your members or your leadership, I take it?

23 (Ms. Watkins nodding in the
24 affirmative.)

1 PRESIDING OFFICER IACOPINO: Do you
2 intend on hiring any outside experts?

3 MS. WATKINS: I don't think so.

4 PRESIDING OFFICER IACOPINO: Okay. Mr.
5 Levesque?

6 MR. LEVESQUE: Yes. We anticipate a
7 number of witnesses. As I'm thinking about it, as long
8 as we're not limiting ourselves here, they probably
9 will fit into a couple of categories. So, maybe a
10 couple panels. But it could be beyond that. At this
11 point, that's where our thinking is.

12 PRESIDING OFFICER IACOPINO: Can you
13 give me an idea of the number of testimonies you would
14 be filing?

15 MR. LEVESQUE: Number of witnesses?

16 PRESIDING OFFICER IACOPINO: Well, what
17 I'm trying to do is trying to be fair for everybody.
18 The way that people generally work in this situation is
19 the prefiled -- you have the prefiled testimony, and
20 that's usually what folks are working off of to prepare
21 for the hearing. So, if you're going to have, you
22 know, three panels, a panel talking about Subject A, a
23 panel talking about Subject B, a panel talking about
24 Subject C, but they're filing joint testimony, how many

1 sets of testimony do you expect? That's really where
2 I'm trying to get an idea, so that people know how much
3 work they have ahead of them.

4 MR. LEVESQUE: At this point, likely to
5 have at least four individual witnesses filing separate
6 prefiled testimony. And, that those -- and there may
7 be more. But, at this point, it looks like those
8 probably would be on two different panels. It's two
9 subject areas probably.

10 PRESIDING OFFICER IACOPINO: And, what
11 are the areas?

12 MR. LEVESQUE: One has to do with the
13 land protection and plans associated with this part of
14 the world. And, a second one has to do with local
15 regulations and everything that has to do with sort of
16 the Town of Antrim's regulations, the zoning ordinance,
17 and all of those kinds of things.

18 As long as we're not limiting ourselves
19 to those two areas, that's what we know about at this
20 point.

21 PRESIDING OFFICER IACOPINO: And, just
22 so everybody knows, that what we're trying to do is get
23 an idea here. Because the next thing that we're going
24 to do is we're going to start talking about discovery.

1 And, we're going to -- hopefully, at the end of the
2 day, we're going to have a discovery plan that's going
3 to set out when witness testimony must be filed, when
4 data requests must be propounded, when they must be
5 answered, when we're going to have tech sessions. And,
6 it's helpful for everybody in the room to know at least
7 the general plans of everybody else, so that they can
8 participate in an educated way with respect to that
9 scheduling discussion.

10 Okay. Ms. Block?

11 MS. CAREY BLOCK: I'm honestly not
12 really sure. We've talked with -- between ourselves,
13 just Richard and I, in respect to witnesses we would
14 like to hire, expert witnesses. But we have not talked
15 within the group. So, I really -- I feel like I really
16 can't give you that much information.

17 PRESIDING OFFICER IACOPINO: My
18 recollection from last time around was you put on two
19 witnesses from outside your group, I believe one was a
20 noise expert and one was a wildlife expert. Is it your
21 inclination to do that again, do you know, on those
22 two?

23 MS. CAREY BLOCK: I don't think we would
24 be using specifically those two people in those two

1 areas. But I do not think we would have more than two
2 witnesses, but I'm not sure of the areas.

3 PRESIDING OFFICER IACOPINO: Okay.
4 Okay. Janice?

5 MS. DULEY LONGGOOD: I would assume
6 everybody in the group would do their own prefiled
7 testimony, because we all have different interests as
8 abutting property owners.

9 PRESIDING OFFICER IACOPINO: Yes.

10 MS. DULEY LONGGOOD: And, I haven't
11 spoken to the rest of the group, but I would like to
12 reserve the right to call witnesses as we go along the
13 process.

14 PRESIDING OFFICER IACOPINO: Okay. But,
15 at this point, you don't have any --

16 MS. DULEY LONGGOOD: I don't have any
17 expert witnesses at this point.

18 PRESIDING OFFICER IACOPINO: Okay.
19 Dr. Ward?

20 DR. WARD: Right now, what we're looking
21 at amongst the meteorologists, and I'm also talking to
22 some other people here, it depends on the testimony
23 again about ISO 9613-2, and how you predict noise
24 levels in the surrounding whether -- for the

1 post-construction period. Whether we'll need a noise
2 expert or not, and I've been talking with one in
3 particular, whether we'll need that or not will depend
4 a lot on the testimony that we hear from the Applicant.

5 PRESIDING OFFICER IACOPINO: Okay. You
6 already have their prefiled testimony. There's not
7 going -- or, at least right now, there's no plan to
8 supplement the noise testimony. I believe there are
9 noise studies that are in the record already, and in
10 prefiled testimony of a noise expert, if I'm --

11 DR. WARD: That's correct.

12 PRESIDING OFFICER IACOPINO: -- if I'm
13 thinking correctly. Just so that you know, I don't
14 anticipate that there's going to be anything more than
15 that. You'll have the opportunity to submit data
16 requests to the Applicant for their experts to answer.
17 And, there will likely be, if that's what we decide at
18 the end of the day today, that there will be technical
19 sessions where you can ask them questions informally.

20 But I don't think you should be
21 expecting any further testimony, unless Mr. Needleman
22 wants to correct me. But I don't -- you know, the
23 testimony has been filed.

24 DR. WARD: Well, it's my understanding

1 that, as intervenors, we can cross-examine their
2 witnesses. And, a lot is going to depend on that. As
3 you were there the other night, and I didn't get any
4 reasonable answers to fairly straightforward questions.
5 So, it's going to depend on what answers I get as to
6 what we might have to rebut.

7 PRESIDING OFFICER IACOPINO: No, it's
8 not, Dr. Ward. Because your cross-examination is going
9 to occur in the adjudicative process, after everybody's
10 testimony has been filed, including your witnesses,
11 okay? We file all of our testimony in advance. And,
12 then, the witnesses are presented for
13 cross-examination. You will not get the ability to sit
14 here, listen to the cross-examination, and then
15 determine who your witnesses are. That's not the way
16 that the system operates.

17 DR. WARD: Well, I stand corrected then.
18 And, I will --

19 PRESIDING OFFICER IACOPINO: Let me just
20 go through it for you, so you do understand, okay?
21 They have filed their testimony, I believe, and unless
22 some issue comes up and they change something, you have
23 the testimony of -- I forget the expert's name, but if
24 Mr. Needleman can --

1 MR. NEEDLEMAN: Rob O'Neil.

2 PRESIDING OFFICER IACOPINO: -- Mr.
3 O'Neil in the record already. It's been filed along
4 with the Application. He also has a report that I
5 believe, I don't know if it satisfies you, but at least
6 it satisfied him, and addresses his study of what the
7 noise impacts will be. You will have an opportunity to
8 submit written questions to him, and we'll get into the
9 timing on that in a moment. After you've submitted
10 written questions and gotten answers from him, there
11 will be a deadline for you to notify all of the parties
12 of who your expert is and to file his or her testimony.
13 And, that's their direct testimony. All of those
14 witnesses are then cross-examined in front of the
15 Committee.

16 So, that's the process that we use. So,
17 you may want to keep that in mind as we go through the
18 rest of the hearing today, because there will be
19 deadlines set. Go ahead.

20 DR. WARD: Okay. I was particularly
21 referring to, which we've mentioned before, is to get
22 at the models and the data that are used. And, I will
23 be putting in a discovery request about some things.
24 But there will be some questions as to what is in the

1 model, and I will be asking you or the Chair to make it
2 such that they cannot bring in models and data -- they
3 cannot bring in the conclusions from models and data
4 without showing the models and the data.

5 PRESIDING OFFICER IACOPINO: That's
6 two -- that's three separate steps you're talking
7 about. Okay? You will have the opportunity, and we'll
8 get to what the deadlines for this will be in a little
9 bit, you will have the opportunity to present written
10 questions to the Applicant's experts, okay? We call
11 them "data requests". They will have the opportunity
12 to answer those data requests. There will be deadlines
13 for both of those things, the deadline for providing
14 the questions to them and the deadlines for them
15 providing you answers.

16 After that, we will also have technical
17 sessions, where you now have the benefit of the
18 testimony, the benefit of their answers to your data
19 requests, and then the informal technical sessions,
20 which are essentially meetings at which we sit down and
21 you get to ask questions basically of these experts.
22 Okay?

23 And, at that point, if you feel that
24 there's a legal basis for any requests that you make to

1 the Site Evaluation Committee, you should file that in
2 a motion. For instance, at the end of the day, with
3 the discovery, if you believe that, you know, "hey, I
4 don't want these models to be admissible in this
5 proceeding", for whatever your reasons are, you'll have
6 to file a motion with the Committee asking the
7 Committee not to consider them or to exclude them as
8 evidence. Okay?

9 That's the process that we use. And, I
10 can't tell you what reasons the Committee would either
11 allow evidence in or not allow it in. That's legal
12 advice. I can't give you legal advice. I can tell you
13 about the process, though, and the calendar, and that's
14 the calendar that we'll be on. So, it's very important
15 that you, and all of the intervenors, are aware that
16 your first sort of parlay into the proceeding doesn't
17 come at the hearing. It comes when you file your own
18 witness's testimony. Okay?

19 So, you have to have, if you're going to
20 higher an outside expert, you've got to have that
21 person lined up, you've got to have the written
22 testimony ready by the deadline, and you've got to file
23 it by the deadline. And, then, we go through the same
24 process the other way. The Applicant gets to ask

1 questions, and they do their discovery.

2 DR. WARD: What then would be the point
3 at which I could file to have the models that are used
4 produced, so that they can be analyzed for
5 applicability?

6 PRESIDING OFFICER IACOPINO: I would
7 recommend that you make any inquiries and questions
8 that you have about those models to the Applicant
9 first. My guess --

10 DR. WARD: The Applicant -- I've done
11 that, and the Applicant has said I have to go through
12 the Committee.

13 PRESIDING OFFICER IACOPINO: Well, I
14 suggest that you do it through the form of data
15 requests, then they'll object. You'll have their
16 objection. You'll know the reasons for their
17 objection, if they object. And, then, you can say
18 "they have objected, they won't provide me with, this
19 is why I should be able to have this stuff or it should
20 be excluded", okay?

21 DR. WARD: At the discovery point, is
22 that what you're talking about?

23 PRESIDING OFFICER IACOPINO: It will be
24 at the end of the first round of discovery, most

1 likely.

2 DR. WARD: Thank you.

3 PRESIDING OFFICER IACOPINO: Okay. The
4 union is not here. Lisa, we spoke with you. How about
5 the Harris Center?

6 MR. FROLING: We do not anticipate any
7 evidence initiated.

8 PRESIDING OFFICER IACOPINO: Okay. And,
9 Mr. Enman?

10 MR. ENMAN: Not at this time. But I
11 would reserve the right to bring one in.

12 PRESIDING OFFICER IACOPINO: Do you
13 think you'll be filing your own testimony?

14 MR. ENMAN: I do.

15 PRESIDING OFFICER IACOPINO: Okay. Who
16 did I miss? The Selectboard, but they're not here.
17 Stoddard Conservation Commission?

18 MR. JONES: I have one expert witness
19 that I'd like to get in contact with, once I know the
20 schedule and see what that person's availability is,
21 but --

22 PRESIDING OFFICER IACOPINO: Okay. And,
23 what area of expertise?

24 MR. JONES: In the area of forest

1 fragmentation.

2 PRESIDING OFFICER IACOPINO: Okay. And,
3 do you anticipate, I recall you filed testimony in the
4 last time around yourself?

5 MR. JONES: Yes.

6 PRESIDING OFFICER IACOPINO: And, do you
7 intend to do that again?

8 MR. JONES: I do.

9 PRESIDING OFFICER IACOPINO: Okay. Is
10 there anybody that's here that I've missed? Oh, I'm
11 sorry. You gentlemen right there, but you're with
12 the -- with the Abutting Group, okay.

13 Okay. Applicant, do you anticipate any
14 additional witnesses, other than those that have
15 already been disclosed and testimony been provided?

16 MR. NEEDLEMAN: No.

17 PRESIDING OFFICER IACOPINO: Do you
18 anticipate that the new supplement that you're going to
19 file next week will have any new witnesses attached to
20 it?

21 MR. NEEDLEMAN: No.

22 PRESIDING OFFICER IACOPINO: Okay. All
23 right.

24 Let's talk about what will be needed for

1 discovery then. How are you doing, Steve?

2 *(Court reporter indicating to keep*
3 *going.)*

4 PRESIDING OFFICER IACOPINO: The two
5 forms of discovery that we have traditionally used in
6 these proceedings is the use of data requests, which
7 are essentially written questions, and that can be
8 questions where you're asking for answers, but it can
9 also be questions where you're asking for additional
10 information that may be contained in documents. And,
11 then, the second type of discovery method that we've
12 used is an informal tech session, where the witnesses
13 for a party will be brought into a room like this, and
14 the other parties get the opportunity to discuss issues
15 with them, ask them questions. With a group like this,
16 it will probably be a little more formal than a
17 discussion, just because of the number of folks that
18 will be there. But, that's the idea.

19 And, generally, I didn't address this
20 before, Dr. Ward, but, generally, I can't remember a
21 technical session where there weren't some follow-up
22 document requests to be complied with. And, generally,
23 at the end of the technical session, there will be a
24 deadline set for providing that information or

1 objecting to it.

2 I'll give you an example. The expert
3 might be here, and he might say that, you know, part of
4 his consideration in giving his opinion was, you know,
5 an article written in the *Journal of Wildlife*, just for
6 an example, I don't think such a journal exists, but
7 somebody says "well, can you get us a copy of that
8 article?" And, usually -- usually, that type of
9 request, there's been no objection, and usually, within
10 seven or ten days, whatever deadline we set, that
11 exhibit will be provided to all the parties.

12 So, those are the discovery methods that
13 we generally use. They generally work well.

14 We have stopped, I know this question is
15 going to come up, so I'm going to head it off at the
16 pass, we're not recording, we're not doing verbatim
17 technical sessions anymore. We're not recording them
18 and making a transcript of them. They were never meant
19 to be depositions, and, unfortunately, a few times when
20 we have tried to record them, they have turned into
21 depositions. It also stilts the conversation.

22 The one thing that I would like to see
23 more of in technical sessions is, for the folks who are
24 there to ask the questions, to bring your experts, so

1 that your experts can actually have an expert dialogue
2 with the experts for the other side. Quite frankly, I
3 think that is something that is much more productive,
4 and moves the ball forward for all parties much better.

5 I will say that, although you can
6 certainly ask questions about people's backgrounds and
7 things like that, and try to paint them into a corner
8 to impeach their credibility, it rarely ever works.
9 These are issues -- the issues that come before the
10 Committee really are issues that are not like a
11 criminal trial, for instance, where things cannot be
12 checked against a document or against a piece of paper
13 somewhere.

14 So, we're trying to make sure that our
15 technical sessions going forward don't turn into,
16 actually, civil dispositions, because they're even
17 nastier.

18 So, anyways, that sort of the process
19 that we've used. I would anticipate that we would
20 start that process relatively soon, because we do have
21 the Applicant's witnesses and their reports.

22 So, I'm going to go to the next logical
23 step here, if somebody -- the Applicant, did everybody
24 get a copy of what the Applicant had provided as a

1 proposed procedural schedule? Does everybody have a
2 copy of that?

3 *[Documents distributed.]*

4 PRESIDING OFFICER IACOPINO: Okay. They
5 have our "Preheating Conference" on here. I think
6 we're all warmed up enough now to talk about -- to talk
7 about the scheduling.

8 So, they are suggesting March 10th,
9 which is as good a place to start as any, for discovery
10 requests, we'll call those "data requests", written
11 questions to be propounded.

12 Let me start with Counsel for the Public
13 and go around the room and get your feelings about that
14 date? And, if you don't agree with the date, what date
15 do you think would be more like -- more effective?

16 MS. MALONEY: I think that date is fine
17 with me.

18 PRESIDING OFFICER IACOPINO: Okay.
19 Lisa?

20 MS. LINOWES: The date is fine. But
21 there are some immediate questions that I have that I
22 would love to get answers to. They're simple. They
23 have to do with the Application, the data we received
24 last week. And, I'm not sure how I could get that in

1 there.

2 PRESIDING OFFICER IACOPINO: Why don't
3 we address that towards the end, on "Other business"?

4 MS. LINOWES: Okay.

5 PRESIDING OFFICER IACOPINO: But, as far
6 as getting data requests out, based upon what's been
7 filed so far, the suggestion is March 10th, --

8 MS. LINOWES: That's fine.

9 PRESIDING OFFICER IACOPINO: -- which
10 gives everybody a couple weeks, I guess. Audubon?

11 MS. WATKINS: I guess I'm just, having
12 heard that there are a number of people who may be
13 bringing in expert witnesses that they don't know who
14 they are, from what you said, it sounded as though the
15 expert should be involved in this discovery process.
16 And, if they haven't yet been hired or identified, it
17 seems like March 10th would be pretty tight.

18 PRESIDING OFFICER IACOPINO: Okay. What
19 about for Audubon? I mean, I'm going to go around to
20 everybody. So, if somebody has a problem with that,
21 they'll let me know.

22 MS. WATKINS: Okay.

23 PRESIDING OFFICER IACOPINO: But how
24 about for Audubon? Is March 10th, for your purposes,

1 is March 10th sufficient?

2 MS. WATKINS: I think that's probably
3 reasonable.

4 PRESIDING OFFICER IACOPINO: Okay. Go
5 ahead, Mr. Levesque.

6 MR. LEVESQUE: We don't have a strong
7 opinion about this, because we haven't really talked
8 about what areas of data requests we might have. But
9 it seems a bit tight.

10 PRESIDING OFFICER IACOPINO: Do you have
11 a suggestion?

12 MR. LEVESQUE: I don't.

13 PRESIDING OFFICER IACOPINO: Okay.
14 Lorraine?

15 MS. CAREY BLOCK: I actually think it's
16 really quite tight, to go through everything and have
17 reasonable data requests by that time.

18 PRESIDING OFFICER IACOPINO: Do you have
19 a suggestion?

20 MS. CAREY BLOCK: I'd like to see it
21 extended to April 1st.

22 PRESIDING OFFICER IACOPINO: Janice?

23 MS. DULEY LONGGOOD: It seems like a
24 very tight schedule to me as well. I'd like to see it

1 extended.

2 PRESIDING OFFICER IACOPINO: And, do you
3 have a suggested date?

4 MS. DULEY LONGGOOD: I'd go with
5 Lorraine. April 1st would give us more time.

6 PRESIDING OFFICER IACOPINO: Lorraine, am
7 I saying your name wrong?

8 MS. CAREY BLOCK: Yes.

9 PRESIDING OFFICER IACOPINO: I'm sorry.

10 MS. CAREY BLOCK: Yes, but that's okay.

11 PRESIDING OFFICER IACOPINO: I'm sorry.
12 My mother's name is Lorraine. So, that's why.

13 MS. CAREY BLOCK: You know, I'm used to
14 it.

15 PRESIDING OFFICER IACOPINO: I'm very
16 sorry.

17 MS. CAREY BLOCK: Okay.

18 PRESIDING OFFICER IACOPINO: Dr. Ward?

19 DR. WARD: We're all used to responding
20 in two and a half minutes. So, it's no problem.

21 PRESIDING OFFICER IACOPINO: Okay.
22 Mr. Enman?

23 MR. ENMAN: At this time, I don't see
24 any problem with that.

1 PRESIDING OFFICER IACOPINO: Mr.
2 Froling?

3 MR. FROLING: We have no comment. No
4 comment on it.

5 PRESIDING OFFICER IACOPINO: Thank you.
6 And, Stoddard?

7 MR. JONES: No comment.

8 PRESIDING OFFICER IACOPINO: Okay. All
9 right. So, we've got most of the folks are okay with
10 the 10th, a couple of folks want to move it out to the
11 1st. What's the Applicant's reasoning and suggestions?

12 MR. NEEDLEMAN: We have a lot of work to
13 accomplish here. And, obviously, this first deadline
14 we set is going to affect everything that comes
15 afterward. We tried to come up with a deadline that
16 gave people a reasonable amount of time after this
17 prehearing conference, mindful of the fact that the
18 vast majority of the information related to this
19 Application has been out there and in the hands of the
20 public for quite some period of time, except for that
21 limited recent supplement that we filed. And that
22 we're confident that the folks in this room have been
23 looking that stuff over and are familiar with it. And,
24 given that it's been out there for so long, and the

1 importance of moving this docket along, and the fact
2 that this first deadline is going to affect all the
3 others, we think it is reasonable and would like to see
4 March 10th as that first deadline.

5 MS. LINOWES: Mike, if I may? How
6 did -- I'm assuming that there was a date that was
7 picked, the statutory deadline from when the decision
8 had to be made, is that how -- and working backwards.
9 Is that how the Applicant came up with this schedule?

10 PRESIDING OFFICER IACOPINO: I don't
11 know. I think --

12 MS. LINOWES: Generally, you do that.
13 You, generally, when we have these prehearing
14 conferences, those that I remember, you kind of --

15 PRESIDING OFFICER IACOPINO: I don't
16 generally make a proposed schedule.

17 MS. LINOWES: That's correct. You come
18 in and you say "well, this is the date the decision has
19 to be made by", --

20 PRESIDING OFFICER IACOPINO: Right.

21 MS. LINOWES: -- and then you work
22 backwards, and we all collectively do that. So, I
23 guess I would side with some -- this is all meant to be
24 aggressive to assist the Applicant. I guess I would

1 like to understand how these dates were picked. And,
2 if we were to take the approach that you normally do,
3 that I've seen you do, I don't know if you always do
4 it, but that I've seen you do, maybe we should start
5 there and work backwards. It may all just be the same.
6 But, you know, just trying to fit in to what's
7 convenient for the Applicant, if that's what's going
8 on, I'm not comfortable with that.

9 PRESIDING OFFICER IACOPINO: Actually,
10 it makes sense. I'm just trying to pull up our
11 acceptance date.

12 MS. VOELCKER: November 7th.

13 PRESIDING OFFICER IACOPINO: We do have
14 a outline of the dates. In fact -- all right. The
15 final decision is due November 30th of 2016, I believe.

16 MS. VOELCKER: Right.

17 PRESIDING OFFICER IACOPINO: I'm looking
18 at a photograph of my Kanban board for this.

19 ADMINISTRATOR MONROE: So, it was
20 December 1st we --

21 PRESIDING OFFICER IACOPINO: So,
22 December 1st was acceptance?

23 ADMINISTRATOR MONROE: Yes.

24 PRESIDING OFFICER IACOPINO: So, the

1 final decision is due November 30th.

2 ADMINISTRATOR MONROE: Yes. Correct.
3 Day 150, and there's day 240.

4 *(Presiding Officer Iacopino and*
5 *Administrator Monroe conferring.)*

6 PRESIDING OFFICER IACOPINO: Our
7 adjudicatory hearings will occur between July 28th and
8 November --

9 ADMINISTRATOR MONROE: I'd say October.

10 PRESIDING OFFICER IACOPINO: Right. But
11 they will be in that timeframe between July 28th and
12 November 31st -- the 30th. That's because that --
13 we'll be having the hearings and deliberations and
14 writing an order during that period of time. So, that
15 period of time is really not available. So, the 28th
16 is really when the final state agency reports are due.
17 And, it's really -- usually, we start the adjudication
18 process shortly after that.

19 So, let's use the 28th. If you wanted
20 to consider going backwards, because I certainly would
21 want to have everything done prior to the 28th.

22 MR. NEEDLEMAN: And, Mr. Iacopino, if
23 you look on the second page of our proposal, --

24 PRESIDING OFFICER IACOPINO: Yes.

1 MR. NEEDLEMAN: -- we have that in
2 there, and tried to put a reasonable period of time
3 after the 28th, for two reasons. One, so that people
4 would have ample time to accomplish what they needed to
5 accomplish, and also recognizing that that time of year
6 a lot of people tend to be unavailable. So, we thought
7 in September would be an appropriate time for those
8 hearings.

9 PRESIDING OFFICER IACOPINO: Yes.
10 Likely, that's what we're going to be stuck with
11 anyway. We're going to have scheduling issues no
12 matter what.

13 All right. Well, what I'm thinking, and
14 I'll tell everybody what I'm thinking is, understanding
15 that there was a recent bout of information that we
16 got, and there's going to be a little bit more next
17 week, if we moved the deadline for propounding
18 interrogatories -- data requests upon the Applicant and
19 its witnesses to March 25th, that's a two-week
20 extension, two weeks and a day, over here, and
21 understanding that there will be some new information
22 coming as well. Let's just -- let's work with that for
23 a minute. And, if we were to give -- you've allotted
24 yourselves 11 days, I guess, here -- I'm sorry, 21

1 days. Do you need three weeks?

2 MR. NEEDLEMAN: We can work to try to
3 constrain that. Yes. We don't have a great sense of
4 the number of discovery requests we're going to get,
5 but we can certainly say two weeks.

6 PRESIDING OFFICER IACOPINO: Jack, do
7 you remember how many it took last time?

8 MR. KENWORTHY: I don't, honestly, Mike.
9 I think two weeks is doable, most likely, as long as
10 there's some reasonable limit to the number of
11 discovery requests.

12 PRESIDING OFFICER IACOPINO: All right.
13 Well, let's do -- change the "March 31st" to
14 "April 8th", that's two weeks. And, then, I would
15 actually be inclined to move those technical sessions
16 up by a week as well.

17 MR. NEEDLEMAN: To what date?

18 PRESIDING OFFICER IACOPINO: Well,
19 that's what I'm looking at right now. The only
20 question I have is, have you already locked in these
21 dates with your experts? Okay.

22 MS. MALONEY: Mike?

23 PRESIDING OFFICER IACOPINO: Yes.

24 MS. MALONEY: The week prior to that

1 technical session, my expert is not available.

2 PRESIDING OFFICER IACOPINO: Okay. All
3 right. I can't even find it on the calendar here.
4 Hold on one second.

5 Okay. So, they've got April 25 and
6 April 26, it's a Monday and a Tuesday. So that the
7 week of the 18th yours is not available?

8 (Atty. Maloney indicating in the
9 negative.)

10 PRESIDING OFFICER IACOPINO: All right.
11 Well, I guess we would leave it there then. So, that
12 takes care of discovery on the Applicant's materials.
13 So, the plan, or what's on discussion on the table
14 right now, and I'm not saying this to dictate to you
15 all, I'm trying to get a discussion. But, for
16 discovery from the Applicant, rather than March 10th,
17 we do March 25th. It's about a two-week extension for
18 data requests, with their -- their responses will be
19 due on April 8th. And, then, the informal technical
20 sessions to occur on April 25 and April 26.

21 I think two days is adequate for what
22 you filed and the number of witnesses that you filed.
23 Does anybody think two days for the technical sessions
24 is inadequate? My hope is we actually get them done in

1 a day and a half, but --

2 *[No verbal response]*

3 PRESIDING OFFICER IACOPINO: Okay. So,
4 let me hear from the intervenors about that schedule.
5 It does loosen it up a little bit for -- in
6 consideration of Mr. Levesque and Ms. Block's concerns.
7 Does that sound reasonable to everybody?

8 MS. DULEY LONGGOOD: Yes.

9 MS. CAREY BLOCK: That's better. Thank
10 you.

11 PRESIDING OFFICER IACOPINO: Okay. So,
12 what we will do is the order that comes out of here
13 will recommend to the Chair that we do April 1 for data
14 requests to be propounded to the Applicant; April 8th
15 for the answers to the data requests -- I'm sorry. I'm
16 looking at the wrong one. March 25th for data requests
17 to be propounded to the Applicant; April 8th for
18 responses; and then April 25 and April 26 for the
19 technical sessions.

20 Of course, and the Applicant's aware of
21 this, I probably don't need to say it, but if there is
22 an overwhelming number of data responses, and you need
23 to request additional time, you obviously know how to
24 do that by filing a motion. I recommend that, if there

1 are particular questions that are going to take up the
2 time, answer as many as you can on time, and just file
3 a motion to respond to the ones that you have
4 difficulty with at a later time.

5 MR. NEEDLEMAN: We will do that, but if
6 I could just say one thing.

7 PRESIDING OFFICER IACOPINO: Sure.

8 MR. NEEDLEMAN: I had a recent
9 experience in another docket where an intervenor wasn't
10 aware that the Committee had adopted new rules that
11 placed some limitations on discovery. And, so, I'm not
12 sure if everybody is aware of that, but it might be
13 worth mentioning it.

14 PRESIDING OFFICER IACOPINO: Everybody
15 should read the rules. Which rule are you talking
16 about?

17 MR. NEEDLEMAN: I think --

18 PRESIDING OFFICER IACOPINO: Talking
19 about Merrimack Valley?

20 MR. NEEDLEMAN: Yes. And a limitation
21 of 50 discovery requests without leave of the
22 Committee, which that intervenor did not know about,
23 and it caused an issue.

24 PRESIDING OFFICER IACOPINO: What Barry

1 is addressing is, in the new rules, there is now a
2 limit, there didn't used to be a limit on the number of
3 data requests that you could profound. If any party
4 finds that they need to propound more, file a request
5 to do so as soon as possible. Don't wait till the day
6 that you're propounding the data requests, okay? So
7 that, if you determine that you need more than 50
8 questions, I can't imagine why that would be, but
9 should you determine that you do, you should file a
10 motion to expand that with the Committee, and you
11 should do that as far in advance of March 25th as you
12 can, because that deadline will still be the deadline.

13 DR. WARD: Did you say "5-0"?

14 PRESIDING OFFICER IACOPINO: Fifty.

15 5-0, yes.

16 DR. WARD: Thank you.

17 PRESIDING OFFICER IACOPINO: Okay. I'm
18 sorry, yes?

19 MS. CAREY BLOCK: Mike, that was
20 actually a question that Richard and I have, since we
21 have such a large intervenor group. But the way to
22 approach that would be to actually file a motion?

23 PRESIDING OFFICER IACOPINO: Yes. Start
24 with the rule.

1 MS. CAREY BLOCK: Okay.

2 PRESIDING OFFICER IACOPINO: I'm very
3 hopeful that your large intervenor group could get the
4 job done within 50. But, if you can't, --

5 MS. CAREY BLOCK: Right.

6 PRESIDING OFFICER IACOPINO: -- figure
7 that out as soon as possible, file a motion as soon as
8 possible. You know, everybody knows that you can
9 request relief. But one of the problems that we have
10 is the Chair has to ultimately rule on these things.
11 And, the Chair of the Committee, as well as all the
12 other members of the Committee, all have multiple
13 responsibilities, and sometimes it is difficult to get
14 a ruling on these things. So, that goes across the
15 board, but especially in an issue like this, figure out
16 what you're going to need and make your request. I'm
17 not saying it's going to be granted, but at least
18 you'll get an answer one way or the other, in time so
19 that you can do everything -- so that we can get
20 everything else done on time.

21 MS. CAREY BLOCK: Great. Thank you.

22 PRESIDING OFFICER IACOPINO: Okay. We
23 will have the draft agency reports on or around
24 April 29th, with whatever draft conditions the state

1 agencies are looking for.

2 And, then, the Applicant has proposed
3 May 20th for the disclosure of experts and filing of
4 prefiled testimony. That is -- that's a couple months
5 from today. So, let me go around the table again,
6 starting with Counsel for the Public, any objection to
7 that being the deadline for identifying and filing
8 prefiled testimony?

9 MS. MALONEY: No, not -- no. There's no
10 objection here.

11 PRESIDING OFFICER IACOPINO: And, how
12 for Wind Action Group?

13 MS. LINOWES: No objection.

14 PRESIDING OFFICER IACOPINO: Audubon?

15 MS. WATKINS: No objection.

16 PRESIDING OFFICER IACOPINO: All right.

17 Mr. Levesque?

18 MR. LEVESQUE: No objection.

19 PRESIDING OFFICER IACOPINO: Ms. Block?

20 MS. CAREY BLOCK: No.

21 PRESIDING OFFICER IACOPINO: Okay.

22 Janice -- I'm sorry, Ms. Duley Longgood?

23 MS. DULEY LONGGOOD: No objection.

24 PRESIDING OFFICER IACOPINO: Okay.

1 Mr. Ward?

2 DR. WARD: No objection.

3 PRESIDING OFFICER IACOPINO: Okay.

4 Mr. Enman?

5 MR. ENMAN: No.

6 PRESIDING OFFICER IACOPINO: Mr.

7 Froling?

8 MR. FROLING: No.

9 PRESIDING OFFICER IACOPINO: I'm sorry,
10 I forgot your name again?

11 MR. JONES: Jeff Jones.

12 PRESIDING OFFICER IACOPINO: Jeff, okay.

13 Mr. Jones, I'm sorry?

14 MR. JONES: No. No problem.

15 PRESIDING OFFICER IACOPINO: Okay. So,
16 that's where we'll start with respect to that.

17 And, I guess the next thing is data
18 requests by June 3rd, that's the Applicant's date. I'm
19 sure they're not going to object to their own date.
20 Does anybody, any intervenors have an objection to
21 being having those questions sent to you for your
22 witnesses to answer on June 3rd?

23 *[No verbal response]*

24 PRESIDING OFFICER IACOPINO: Okay. With

1 a response date of June 24th. Raise your hand if you
2 object to that, that's a full 21 days?

3 *[No verbal response]*

4 PRESIDING OFFICER IACOPINO: And, then,
5 a technical session July 6th and 7th. Now I'm going to
6 hear about vacations, right? Or, I'm going to start
7 hearing about them.

8 *[No verbal response]*

9 PRESIDING OFFICER IACOPINO: So, I'm not
10 hearing anybody complain about that schedule for that
11 segment. Are there any objections?

12 *[Court reporter interruption.]*

13 PRESIDING OFFICER IACOPINO: Speak into
14 the mike please, Dr. Ward.

15 DR. WARD: Which -- what's July 4th,
16 what day of the week is it?

17 PRESIDING OFFICER IACOPINO: Oh, I'm
18 sorry.

19 MR. NEEDLEMAN: July 4th is Monday. So,
20 the 6th and the 7th would be Wednesday and Thursday.

21 DR. WARD: All right. Thank you.

22 PRESIDING OFFICER IACOPINO: I just need
23 to check one thing. I owe my wife a vacation,
24 especially after this morning.

1 By the way, I'm gone that first week of
2 May, just so you know.

3 ADMINISTRATOR MONROE: And, I'm gone the
4 next week, just so you know.

5 PRESIDING OFFICER IACOPINO: There is
6 a -- just so everybody here knows, I'm gone Friday,
7 April 29th, until, well, my first day back will be May
8 9th. So, not that it's all that important to you all,
9 but it's kind of important to me, especially since we
10 woke up this morning with a basement full of water, and
11 as I'm here and my wife is still shop-vacking.

12 MS. LINOWES: Mike, I don't want to
13 throw a monkey wrench in this, but this schedule also
14 is set up to have everything due on a Friday. And, I'm
15 a big advocate of ruining weekends and having
16 everything done on Monday. So, how -- so, that means,
17 instead of May 20th, it would be 20 -- it would be
18 pushed to the 24th. How much of a problem would that
19 be? I guess it would predominantly affect the
20 Applicant. And, I'm wondering if that -- that would be
21 the May 20th date, the June 3rd date, and I think that
22 those are the only -- and maybe the 24th date, if they
23 were pushed, instead of a Friday, to make that the
24 Monday following that?

1 MR. NEEDLEMAN: If there is a particular
2 date that's problematic, we can talk about it. As a
3 general matter, just shifting everything from Friday to
4 Monday, I'm not sure I necessarily --

5 MS. LINOWES: But you're the one who
6 picked out this schedule. So, we're now -- I'm giving
7 feedback suggesting otherwise. So, why did you pick
8 Fridays?

9 MR. NEEDLEMAN: It's just a day.

10 MS. LINOWES: As is a Monday.

11 PRESIDING OFFICER IACOPINO: I tend to
12 pick Fridays, too.

13 MR. NEEDLEMAN: Yes.

14 PRESIDING OFFICER IACOPINO: I don't
15 know if it's because we work in a court system and they
16 tend to do that. I understand that a lot of you folks
17 could only address this on weekends. And, so, I
18 understand the concern. I guess the idea is, which
19 dates, I mean, there are some dates that will affect
20 them, and they, obviously, they prefer Fridays, there
21 are some dates that are going to affect you, you prefer
22 Mondays. Tell me which dates on here you're talking
23 about, and then let's talk about it, so we know what
24 we're talking about.

1 MS. LINOWES: Well, definitely, for
2 prefiled testimony, it would be highly beneficial to
3 have that extra weekend. So, that would be on the "May
4 20th". On the others, the -- okay. So, the data
5 requests --

6 PRESIDING OFFICER IACOPINO: So, wait.
7 Let's talk about May 20th. So, you're talking about
8 May 23rd then?

9 MS. LINOWES: Correct. I don't have an
10 issue on the June 3rd date.

11 PRESIDING OFFICER IACOPINO: Correct,
12 because they're doing the work.

13 MS. LINOWES: And, then, I'm, you know,
14 I don't think there's -- and then, so, probably it's
15 the May 20th date more than anything. The June 24th
16 date isn't -- it's probably less of an issue.

17 PRESIDING OFFICER IACOPINO: Memorial
18 Day is the 30th. All right. So, you're asking
19 basically to change that one day?

20 MS. LINOWES: I think that just that one
21 day would do it.

22 PRESIDING OFFICER IACOPINO: Objection?

23 MR. NEEDLEMAN: So, let's do it this
24 way. We're happy to change May 20th to the following

1 Monday. Let's also change June 3rd to the following
2 Monday, so we get two weeks to respond, and then we can
3 keep what comes after the same.

4 PRESIDING OFFICER IACOPINO: And, do you
5 have what date that is?

6 ADMINISTRATOR MONROE: June 6th.

7 PRESIDING OFFICER IACOPINO: Okay. So,
8 it will be May 23rd and June 6th on those.

9 MR. NEEDLEMAN: Right.

10 PRESIDING OFFICER IACOPINO: And, then,
11 everything else will remain the same.

12 MR. NEEDLEMAN: Yes.

13 MR. LEVESQUE: Mike, can we discuss
14 July 6th and 7th yet?

15 *[Court reporter interruption.]*

16 MR. LEVESQUE: Charlie Levesque. Sorry.
17 Can we discuss July 6th and 7th?

18 PRESIDING OFFICER IACOPINO: Yes. Do
19 you have a problem with it?

20 MR. LEVESQUE: Yes. I know I can't be
21 here that week. It is July 4th Week. And, I'm just
22 wondering if we can't push it to the week following
23 that? So, even starting on the 11th of July, which is
24 the Monday.

1 PRESIDING OFFICER IACOPINO: I've got no
2 -- there's no problem to me to doing that. I don't
3 know if it is for you all?

4 MR. NEEDLEMAN: I don't --

5 PRESIDING OFFICER IACOPINO: The only
6 thing that it might impinge on is if there's a request
7 for documents out of that, it moves it a week back.
8 But my inclination, I'm probably going to give seven
9 days at the end of each technical session. So, you're
10 talking about July 14th -- I'm sorry, July 18th and
11 19th for any additional data requests that are made
12 during the tech session.

13 MR. NEEDLEMAN: Yes. If, Mr. Levesque,
14 if you think it will help to push it a week, I think
15 that's fine, as long as it doesn't cause the rest of
16 the schedule to slip. I would prefer that we not do it
17 on Monday, the 11th, if we can do it on the 12th and
18 the 13th, that would be better.

19 MR. LEVESQUE: Fine. Thank you.

20 PRESIDING OFFICER IACOPINO: Any
21 objections to the 12th and 13th?

22 *[No verbal response]*

23 PRESIDING OFFICER IACOPINO: Hearing
24 none, it's the 12th and 13th, subject to approval by

1 the Chair.

2 MS. MALONEY: Can I just say that I did
3 run some of these dates by my expert, so I haven't run
4 the 11th and 12th by her -- or, 12th and 13th. I think
5 it's okay, but --

6 PRESIDING OFFICER IACOPINO: If it's
7 not, find out other days that week.

8 MS. MALONEY: Okay.

9 PRESIDING OFFICER IACOPINO: I'd like to
10 keep it in that week. You know, there's the 14th and
11 15th, too, so -- but, I mean, I know I'm looking at my
12 calendar right now, and we are far enough out that even
13 like my calendar is somewhat open right now. So,
14 unless somebody has like a planned vacation. So, that
15 means that we're beyond the Circuit Court Scheduling
16 Docket and we're beyond the Superior Court Scheduling
17 Docket at this point.

18 MS. MALONEY: Yes.

19 PRESIDING OFFICER IACOPINO: So, the
20 next date is not a date that affects any of the
21 parties, but it's one to be aware of, and that is July
22 28th is when the state agencies are required to file
23 their final reports, permits, and conditions. We have
24 allowed the parties -- or, this allows the parties two

1 weeks after that to supplement any prefiled testimony.
2 Everybody's would be due on the same day. This isn't
3 a, you know, tit-for-tat or an answer back-and-forth.
4 This is really an opportunity, in the event the state
5 agencies make some final recommendations that you need
6 to supplement your testimony because of, that's really
7 what -- the reason why we do that.

8 And, then, you guys will get together
9 between August 12th and August 26th, come up with a
10 stipulation, resolve the case, and you'll bring it to
11 the Committee to approve, right?

12 MR. NEEDLEMAN: Yes.

13 UNIDENTIFIED SPEAKER: Yes.

14 PRESIDING OFFICER IACOPINO: Okay. Any
15 problem with the remaining --

16 MS. VON MERTENS: Mike? Mike, could you
17 explain what that is, the "stipulations"?

18 PRESIDING OFFICER IACOPINO: I'm joking,
19 please. I'm sorry. I'm sorry. I'm joking. I'm
20 joking. What I'm joking about, Francie, is the --

21 MS. VON MERTENS: I didn't get it.

22 PRESIDING OFFICER IACOPINO: -- is the
23 supplemental prefiled testimony, and then the next date
24 is "Parties shall file any statement of stipulated

1 facts and any other stipulations." That's an
2 agreement. So, we rarely have that happen. We had one
3 happen in a docket a couple weeks ago, where it was
4 merely the selling of the interests in a facility, and
5 they actually came in with a written agreement. And,
6 all the Committee did was sit and ask them "why is this
7 a good agreement?" And, all the parties approved, and
8 the Committee ultimately issued an order.

9 But I was joking around. I really don't
10 expect that to happen. The last time we tried a case
11 on this ridgeline, --

12 MS. VON MERTENS: Okay.

13 PRESIDING OFFICER IACOPINO: -- we all
14 know it took many days of hearings, and I'm sure there
15 will be hearings.

16 However, that being said, I do encourage
17 everybody to understand that you should pick your
18 battles in these dockets. If there are things that are
19 really not in dispute, it doesn't make a lot of sense
20 to just sort of dabble with them. If there are things
21 that you can agree on with the Applicant, if the
22 Applicant, if there are things you can agree on with
23 the intervenors, get a list of what those things are
24 and present them as stipulations, even if -- and it

1 doesn't even have to be with respect to the outcome of
2 a case. But, if there are any stipulations with
3 respect to facts that are relevant, you know, to the
4 extent that you can file a bill of stipulations or a
5 document saying "we agree that these facts apply", the
6 Committee would welcome that. Okay?

7 I understand there's a lot of folks
8 involved here. I understand it's a very important
9 issue for everybody. But I do encourage you to, you
10 know, agree on those things that you can agree with and
11 stipulate to those facts that you can. Don't be afraid
12 to call Mr. Needleman up and offer to stipulate to
13 certain facts with him. And, I'm sure that he will do
14 the same.

15 I cannot guarantee the dates of the
16 adjudicative hearing. I don't disagree that these are
17 good times, I think they probably are good times.
18 Obviously, I have a Committee that I'll have to canvas
19 for those dates.

20 Pam, is there any reason why the balance
21 of this is going to be problematic?

22 ADMINISTRATOR MONROE: I don't think so.

23 PRESIDING OFFICER IACOPINO: Okay. All
24 right. Let's move onto the next agenda item then. So,

1 I think we've got a discovery schedule to recommend to
2 the Chair. There will be a post-prehearing report, and
3 then a scheduling order that will come from the Chair.
4 Experience has been that the Chair generally adopts
5 what we've reported to him from these proceedings or to
6 her from these proceedings.

7 Expected motions: Does anybody expect
8 the filing of any motions? I understand, Dr. Ward, I
9 understand that you are raising this issue about the
10 models, and that you may have a motion for discovery
11 and/or a motion to exclude testimony based on the
12 model?

13 DR. WARD: That is correct.

14 PRESIDING OFFICER IACOPINO: You have a
15 little bit of ways to go before you can actually
16 formulate that, because you're going to make a request
17 during the discovery.

18 DR. WARD: Well, I'm going to try a
19 discovery request in the thing.

20 PRESIDING OFFICER IACOPINO: Right.

21 DR. WARD: And, depending on how that
22 goes, then we'll have to see what happens after that.

23 PRESIDING OFFICER IACOPINO: Does
24 anybody else have in mind any particular motions?

1 MS. MALONEY: Not motions, but I'm
2 assuming there will be a place for either prehearing or
3 post-hearing memoranda?

4 PRESIDING OFFICER IACOPINO: Yes. We'll
5 discuss that when we get down to -- well, let's discuss
6 it now. Anybody anticipate any motions that are going
7 to be filed before the adjudicative hearing? Motions
8 that try to, you know, exclude evidence or anything
9 like that? Go ahead.

10 MS. LINOWES: Actually, one question I
11 came in wondering about is whether there is going to be
12 a request for a protective order, and that was an issue
13 that went back and forth. I don't know if any is
14 pending now. I didn't see anything pending.

15 PRESIDING OFFICER IACOPINO: Do you
16 anticipate any protective order request in this case?

17 MR. NEEDLEMAN: I don't -- I don't think
18 there's one pending right now.

19 PRESIDING OFFICER IACOPINO: I don't
20 think there is either.

21 MR. NEEDLEMAN: And, all I can say is, I
22 don't anticipate one. But I guess it depends on the
23 discovery that's requested and what we might have to
24 produce.

1 MS. LINOWES: And, that's my question.
2 I mean, if we could just get it out on the table now.
3 I suspect that I will be filing discovery requests that
4 are going to trigger it, and just -- I don't know how
5 to speed that along, because it just ended up being a
6 delay after a delay last go-around.

7 PRESIDING OFFICER IACOPINO: Well, the
8 last go-around it was the wind data, if I remember
9 correctly.

10 MS. LINOWES: And it was also the
11 financial data.

12 PRESIDING OFFICER IACOPINO: Well, I
13 encourage the two of you to talk in advance.

14 MS. LINOWES: I guess, if I could just
15 throw this out. The one question that I have is
16 specifically having to do with a power purchase
17 agreement. And, I might, last go-around I was locked,
18 the Chair had decided it was sufficient that Counsel
19 for the Public have the information, and I was not
20 granted that opportunity. I mean, if that's the way
21 it's going to go, I guess I should know that now, too.
22 Otherwise, you know, I'm going to go down that path.

23 PRESIDING OFFICER IACOPINO: I would
24 recommend that you get your motions ready. But, also,

1 please talk to the Applicant first, because there may
2 be some middle ground, in terms of what will satisfy
3 you.

4 MR. NEEDLEMAN: Yes. Lisa, I don't know
5 what you're looking for now. But why don't you talk to
6 us before your discovery deadline comes up, and let's
7 try to figure out if there's a way to get you what you
8 need and still protect our concerns.

9 MS. LINOWES: Okay. That sounds good.
10 And, then, the other question I had with regard to a
11 protective order, I don't -- I don't remember this to
12 be the case, but perhaps you could help me. Generally,
13 there is information that's submitted to the Committee
14 that is considered confidential, about the company
15 financials and other things. And, I don't know -- I
16 don't see anything that's been put in, but is that --

17 PRESIDING OFFICER IACOPINO: Nothing has
18 been submitted to the Committee that has been
19 protected -- or, the subject of a protective order or
20 sealed or anything like that. We don't have any of
21 that in this docket.

22 MS. LINOWES: And, I would think, since
23 it's been typical for the Committee to expect that, to
24 evaluate the managerial, financial, and technical

1 ability of the Company, I don't -- where is that going
2 to come from, and since it hasn't been made available
3 to you?

4 PRESIDING OFFICER IACOPINO: Well, I
5 guess the Applicant believes that they have made it
6 available to the Committee, and to you all, in the
7 filings that it's already made. You know, that will be
8 assessed as evidence, and the Committee will make its
9 statutory criteria determinations based on the evidence
10 before it.

11 I guess the question goes to the
12 Applicant is, do you anticipate filing any additional
13 financial, managerial or technical information for
14 which you will be seeking a protective order?

15 MR. NEEDLEMAN: We don't anticipate
16 filing any of our own volition. If people ask for it
17 and it becomes necessary to supply it, and it's
18 business confidential or proprietary for another
19 reason, then we'll cross that bridge when we come to
20 it. But I don't anticipate it at this point.

21 PRESIDING OFFICER IACOPINO: And the
22 supplement that you expect next week, you don't expect
23 any protective information in that?

24 MR. NEEDLEMAN: No.

1 PRESIDING OFFICER IACOPINO: Okay. So,
2 you have your answer. I mean, if you make a data
3 request for something and they say "we're not going to
4 give this to you because it's protected information",
5 then you'll file a motion. They will say -- they will
6 either say "we don't think it's relevant to provide" or
7 "we'll only provide it with a protective order", and
8 the Committee will have to make a determination.

9 MR. NEEDLEMAN: Well, and if I could say
10 one other thing. I don't know precisely what you have
11 in mind. But, to the extent that it's identical to
12 things that were requested previously, and the
13 Committee resolved those issues, hopefully, we could
14 use that as guidance to figure out how we're going to
15 proceed this time and not go over it again. But let's
16 just talk about it.

17 MS. LINOWES: Okay. Thank you. Thanks,
18 Mike.

19 PRESIDING OFFICER IACOPINO: Other
20 motions? Anybody else anticipate any?

21 MS. LINOWES: Actually, Mike, I'm not
22 sure if this requires a motion. But there is that --
23 there is an open question about an additional site
24 walk. And, maybe we could just all decide that here,

1 without involving the Committee. But, if it requires a
2 motion, I guess I would like to know that.

3 PRESIDING OFFICER IACOPINO: No. We'll
4 discuss that. But we'll get to that, once we get
5 through, there was one other issue that -- oh, the
6 post -- the memorandums. And, what's everybody's --
7 what is it that you want? Do you want post-filing --
8 post-hearing memorandums? Prehearing memorandums?
9 What's your pleasure? Let's me start with Counsel for
10 the Public, because she raised it, and then we'll go to
11 the Applicant, and then everybody else.

12 MS. MALONEY: Well, it certainly has
13 been done in the past. And, --

14 PRESIDING OFFICER IACOPINO: Oh, yes.
15 And, we've done it both ways. So, --

16 MS. MALONEY: Yes. I mean, we could --
17 certainly, a post-hearing memorandum, but there could
18 be, I guess, a prehearing memorandum filed as well, but
19 at the option of the parties, I guess. I think it
20 probably makes more sense to have a post-hearing,
21 but --

22 PRESIDING OFFICER IACOPINO: Barry?

23 MR. NEEDLEMAN: Yes. I've certainly
24 seen it both ways. My experience generally has been

1 that I don't feel like it's been particularly helpful.
2 It's a little hard to project now. If we get there and
3 there's a specific issue that we can't foresee now that
4 is worthy of briefing, I mean, I guess we could do it
5 then. But I wouldn't say "let's just do it for the
6 sake of doing it."

7 MS. MALONEY: Well, if I could comment
8 again. I think that there were some issues that were
9 raised in the jurisdictional phase that the Chair at
10 the time thought were legal issues that were more
11 appropriately brought up in the substantive proceeding.
12 And, so, from my point of view is, those issues have to
13 be briefed.

14 PRESIDING OFFICER IACOPINO: But you
15 think they're best briefed in a post-hearing memo?

16 MS. MALONEY: It could be prehearing, if
17 it's relating to issues of preclusion and that kind of
18 thing. So, it's -- I mean, some of it, we have to do
19 some of the discovery first, before they get filed.
20 So, --

21 PRESIDING OFFICER IACOPINO: Well, at
22 least we don't have to deal with the subdivision. So,
23 let's look at the bright side.

24 Okay. All right. So, I'm hearing a

1 request for post-hearing memos. Applicant doesn't
2 think that it's likely to be necessary. Let's go
3 around the room. Lisa?

4 MS. LINOWES: Actually, I find them very
5 helpful. I mean, in the alternative, if I'm
6 understanding what you're talking about, I mean, the
7 alternative has been, at the last day of the hearings,
8 everyone in the room that's an intervenor is given a
9 chance to make their last case. And, that's not so --
10 that can be very disjointed, and I think confused.

11 PRESIDING OFFICER IACOPINO: But we also
12 know that, even if we grant post-hearing motions, you
13 guys are all going to ask to make closing statements
14 anyway. So, we know that that's going to happen, from
15 the -- you know, just from experience. And, so, but --

16 MS. LINOWES: But I would agree not to
17 do a closing.

18 PRESIDING OFFICER IACOPINO: Okay. So,
19 you are in agreement with post-hearing memorandums.
20 Audubon Society?

21 MS. WATKINS: We're in agreement.

22 PRESIDING OFFICER IACOPINO: Okay. Mr.
23 Levesque?

24 MR. LEVESQUE: Post makes sense.

1 PRESIDING OFFICER IACOPINO: Okay. Ms.
2 Block?

3 MS. CAREY BLOCK: I also agree on post.

4 PRESIDING OFFICER IACOPINO: All right.
5 Ms. Duley Longgood?

6 MS. DULEY LONGGOOD: Yes, agree with
7 post.

8 PRESIDING OFFICER IACOPINO: Okay.
9 Dr. Ward?

10 DR. WARD: No opinion.

11 PRESIDING OFFICER IACOPINO: All right.
12 Mr. Enman?

13 MR. ENMAN: No opinion.

14 PRESIDING OFFICER IACOPINO: Mr.
15 Froling?

16 MR. FROLING: No comment.

17 PRESIDING OFFICER IACOPINO: Mr. Jones?

18 MR. JONES: No comment.

19 PRESIDING OFFICER IACOPINO: Okay.

20 We'll leave that to the Chair. And, you know, quite
21 frankly, and I think, Mr. Needleman, you're aware of
22 this, it's unusual, if somebody asks to file them,
23 generally they're granted, granted an opportunity to do
24 it. And, you will have the similar opportunity.

1 So, okay. Other business: Now,
2 somebody raised -- well, let's start with Counsel for
3 the Public. You had an issue that you --

4 MS. MALONEY: I did?

5 PRESIDING OFFICER IACOPINO: May it was
6 post-hearing memos, I forget.

7 MS. MALONEY: No. I would echo what
8 Lisa said. We were talking about an additional site
9 visit.

10 PRESIDING OFFICER IACOPINO: Okay.

11 MS. MALONEY: At such time when we can
12 access some of the sites that the Committee deemed last
13 time has having high or moderate impacts. In addition,
14 there were a couple of private residences that the
15 Committee had suggested they might look at this time.
16 And, what I would suggest is we do another site visit,
17 so that we can access some of those sites, since this
18 is the second time it has been litigated, and to -- I
19 think it's important to look at those sites that the
20 prior Committee found had high or moderate impacts.

21 In addition, I have no objection, and
22 think it might bit useful to look at some of the
23 private residences. And, I have another suggestion
24 that's not necessarily a private residence, but it's a

1 site that I think has sensitive impacts, and that would
2 be Windsor Mountain, which is very close to Tuttle
3 Ridge. And, there is a lot of different uses on that
4 mountain and trails and that kind of thing.

5 PRESIDING OFFICER IACOPINO: How many
6 sites are you thinking about?

7 MS. MALONEY: Well, five or six, six or
8 seven. Bald Mountain, Goodhue Hill, --

9 *[Court reporter interruption.]*

10 PRESIDING OFFICER IACOPINO: Let's go
11 through those slowly. Bald Mountain?

12 MS. MALONEY: Bald Mountain, Goodhue
13 Hill, Pitcher Mountain, Meadow Marsh, which we
14 partially went to, but we couldn't get down the road to
15 the section of it that was looked at by the Applicant,
16 Robb Reservoir, Franklin Pierce Lake, and Windsor
17 Mountain. And, some of these you can only access on
18 the water. And, I also may suggest going back to
19 Willard Pond, and if we can get out on the water,
20 because there's a section that you could --

21 PRESIDING OFFICER IACOPINO: Does
22 somebody have a barge that doesn't have a motor on it?

23 *[Laughter.]*

24 PRESIDING OFFICER IACOPINO: Okay. And,

1 I understand and I know Mr. Block made a request that
2 we go up as we did last time, up to your -- up your
3 road, is that Lovering?

4 MS. CAREY BLOCK: Loverens.

5 PRESIDING OFFICER IACOPINO: Loverens
6 Road?

7 MS. CAREY BLOCK: Yes. I have a list of
8 things that --

9 PRESIDING OFFICER IACOPINO: Sure.
10 Could you read them off for us?

11 MS. CAREY BLOCK: Sure. Loverens Mill
12 Road, there are two sites. One is the Cedar Swamp
13 parking area, at the bottom, right as you go over the
14 bridge. And, then, further up to turn around,
15 basically, where you turned around last time, up at the
16 top of our property.

17 PRESIDING OFFICER IACOPINO: Okay.

18 MS. CAREY BLOCK: I know Annie Law and
19 Bob Cleland also asked for people to go up Farmstead
20 Road and turn around at their property.

21 PRESIDING OFFICER IACOPINO: Okay.

22 MS. CAREY BLOCK: And, the Berwick
23 residence had been on the list. So, that would be --

24 MR. BERWICK: Reed Carr Road.

1 MS. CAREY BLOCK: -- Reed Carr Road, and
2 Craig Road, Old -- yes, Reed Carr Road, Craig Road, to
3 go the back way over to Gregg Lake.

4 PRESIDING OFFICER IACOPINO: Okay. We
5 did go to Gregg Lake.

6 MS. CAREY BLOCK: Yes. But, if you take
7 the back roads through to Gregg Lake, that -- so you
8 basically see the wetland in there.

9 PRESIDING OFFICER IACOPINO: What's the
10 name of that road?

11 MS. DULEY LONGGOOD: Craig.

12 MS. VOELCKER: Craig Road.

13 MS. CAREY BLOCK: Craig. It's Craig
14 Road.

15 PRESIDING OFFICER IACOPINO: And, was
16 there more?

17 MS. CAREY BLOCK: Yes. Salmon Brook
18 Road.

19 PRESIDING OFFICER IACOPINO: I assume
20 that's the Longgood residence?

21 MS. DULEY LONGGOOD: And Schaefers.

22 MS. CAREY BLOCK: And Schaefers. And,
23 also Henningers own property on that road.

24 PRESIDING OFFICER IACOPINO: Is there

1 any other ones you're requesting?

2 MS. CAREY BLOCK: No. I think that's it
3 for us.

4 PRESIDING OFFICER IACOPINO: Okay.
5 Mr. Jones, you had your hand up?

6 MR. JONES: Yes. The Stoddard
7 Conservation Commission would love to have the
8 Committee go up and take a look at what the impact
9 would be from the view from --

10 *[Court reporter interruption.]*

11 PRESIDING OFFICER IACOPINO: Bacon?

12 MR. JONES: -- Bacon Ledge, on the
13 Charles Pierce Reservation owned by the Forest Society.
14 It would require a little hike, but we'd pick a nice
15 day.

16 PRESIDING OFFICER IACOPINO: Okay. Mr.
17 Levesque.

18 MR. LEVESQUE: And, then, in Deering,
19 there are two locations that are on protected land
20 that's owned by the Society for the Protection of New
21 Hampshire Forests, one Hedgehog Mountain, and that one
22 is between five and six miles from the ridge. And,
23 then, another one just south on that same ridge called
24 "High Five". And, you know, since the original docket,

1 there are formal lookout stations, and these are public
2 spaces that are, you know, people are encouraged to
3 take a look at the view from there. So, those are two
4 additional ones to consider.

5 PRESIDING OFFICER IACOPINO: Okay.

6 MS. MALONEY: Mike, I guess I also have
7 a second request that, if we do the site -- a second
8 site visit, and I think we should, that the Applicant
9 do some ballooning.

10 MR. SCHAEFER: Yes.

11 MS. MALONEY: I think, in the first
12 docket, the met tower was up, and there was some frame
13 of reference for where the turbine configuration would
14 be. And, just as I noticed from the last, the one we
15 just did this week, we were just sort of looking out
16 into the distance and sort of pointing at this hill and
17 that hill, I think it would really aid the Committee to
18 actually see, from the tip of the turbines, what --
19 exactly where the configuration would be, and then how
20 high they would be.

21 PRESIDING OFFICER IACOPINO: Let's go
22 back to that for a moment, because Dr. Ward had some --

23
24 DR. WARD: I would be happy to invite

1 anybody to come and sit in our living room and look at
2 it. And, we would be happy to serve wine.

3 PRESIDING OFFICER IACOPINO: Well, how
4 about lunch?

5 *[Laughter.]*

6 PRESIDING OFFICER IACOPINO: Okay. So,
7 Dr. Ward, and what road are you on, Dr. Ward?

8 DR. WARD: Route 123 south. We're right
9 just west of Robb Reservoir. But I'm not insisting on
10 that.

11 PRESIDING OFFICER IACOPINO: All right.
12 Now, obviously, now, Mr. Needleman, there's been a lot
13 of new places suggested. First of all, let's take it
14 in steps. Does the Applicant have any objections to a
15 second site visit?

16 MR. NEEDLEMAN: No. Conceptually, we've
17 got no problem with another visit. There are a lot of
18 things we've heard here that we're going to want to
19 talk about, I have some concerns about how it's going
20 to unfold. And, what I'd say is, let's try to work
21 those out when we get a little further down the line
22 and set a time for those.

23 PRESIDING OFFICER IACOPINO: Okay. The
24 weather will be an issue no matter when we do this.

1 But we do know that there are certain periods in time
2 when a lot of these places are going to be very muddy.
3 Actually, we're coming into that now, I guess, because
4 we haven't had very cold weather. So, keep that in
5 mind. I would like to suggest that you all talk to
6 each other about this. And, you know, I don't know
7 what the Committee's view on it is going to be.

8 But, you know, obviously, the more of it
9 that can be agreed to, the better off everybody will
10 be. So, I encourage you all to discuss this amongst
11 yourselves. And, I have this list of places. I don't
12 know if this will come out in the prehearing scheduling
13 order. But it will be addressed sooner or later.

14 Nobody has to file a motion at this
15 point for a subsequent view, if that's the question,
16 okay? We'll try to address that from our end.

17 There's the issue of ballooning. I
18 assume the Applicant has a position with respect to
19 ballooning?

20 MR. NEEDLEMAN: Not at this point. I
21 know some things about it, I don't know enough. It's
22 one of the things I have a concern about. And, I'd
23 rather address that later.

24 PRESIDING OFFICER IACOPINO: I will say,

1 just in experience from the Site Evaluation Committee,
2 there's only one time that we've ever had any
3 ballooning done, and it was the -- it was in Newington,
4 New Hampshire, when they built the -- well, prior to
5 building, before they actually had their hearing on the
6 Con Edison combined cycle gas plant, which is now
7 Central Power. And, they ballooned the top of the
8 cooling towers, I think. And, they had it right in the
9 middle of a spread of burgers and hot dogs and all sort
10 of stuff for the people who were there. It was a
11 beautiful day. It was a nice balloon. But it was
12 nowhere near the environmental issues that, and I don't
13 mean environmental pollution-wise, I mean
14 environmental, being out in the field that we would
15 face in ballooning anywhere where this ridgeline is.
16 There are things like weather, wind, and accessibility,
17 all of those issues become issues. And, then, again,
18 there's also verifiability, which is an issue. I mean,
19 we can certainly -- the Con Ed was real easy, because
20 it was right there. Everybody is standing around it,
21 looking up at the balloon. But, you know, it would not
22 surprise me to hear somebody say "oh, they really
23 didn't put that at 488 feet", you know, it was less
24 than that." You know, and then we get into fights like

1 that or arguments like that.

2 But those are issues. I'm not saying
3 it's not going to happen. I don't know. I think that,
4 if it is done correctly, it could be helpful. I mean,
5 but --

6 MR. NEEDLEMAN: Oh. I will say, having
7 spoken to some experts in the past about this issue,
8 and not ever actually having done it, and I wasn't at
9 Newington, I've heard all those concerns, and I've
10 heard other concerns about it as well. So, I would
11 like to look into this a little bit more.

12 PRESIDING OFFICER IACOPINO: All right.
13 Ms. Voelcker, you had your hand up?

14 MS. VOELCKER: Well, I think it would be
15 best to do this before blackfly season, and before the
16 leaves come out on the trees.

17 PRESIDING OFFICER IACOPINO: Yes, it
18 would be.

19 MS. VOELCKER: Before the leaves.

20 PRESIDING OFFICER IACOPINO: It would
21 be. But then we're in that shoulder where you could
22 get an ice storm as well.

23 MS. VOELCKER: Yes.

24 PRESIDING OFFICER IACOPINO: You know, I

1 mean, that's the difficulty.

2 DR. WARD: All we need is a good weather
3 forecaster for this.

4 *[Laughter.]*

5 PRESIDING OFFICER IACOPINO: If you can
6 find one. And, for the record, I'm just --

7 *[Multiple parties speaking at the same*
8 *time.]*

9 DR. WARD: I'll propose the toast, if
10 you keep that up.

11 PRESIDING OFFICER IACOPINO: For the
12 record, I'm just joking with Dr. Ward.

13 DR. WARD: I know.

14 MS. VOELCKER: Putting up the balloons
15 shouldn't be hard, since they have already clear-cut
16 each place that they're going to put these towers.

17 PRESIDING OFFICER IACOPINO: Well,
18 that's --

19 MS. VOELCKER: And, there are good
20 logging roads up there.

21 MR. NEEDLEMAN: I don't think --

22 PRESIDING OFFICER IACOPINO: But there
23 are a number of -- I'm not going to -- there's not
24 going to be a finding whether there's sufficient space

1 or anything like that. There are clearly environmental
2 issues that accompany ballooning. I know that just
3 from prior experience with the Site Evaluation
4 Committee. So, those things do need to be addressed.
5 It's not as simple as just running a balloon up there.
6 You know, it's not like when you're kids and have the
7 helium balloons.

8 Okay. So, we're going to leave that
9 ballooning issue as an open issue. The Site Evaluation
10 Committee will address the additional requests for a
11 site visit, and how and where we go and those types of
12 things.

13 MS. LINOWES: Excuse me, Mike. When we
14 talk about a site walk, is it just among the
15 intervenors or is your expectation that the Committee
16 will attend as well?

17 PRESIDING OFFICER IACOPINO: I
18 understood the request to be for the Committee to
19 attend. In fact, you know, if some of the intervenors
20 didn't want to go, that would be okay, because it would
21 be easier to move people around. But everybody would be
22 invited, just as we did the other day, I mean,
23 obviously. But --

24 MS. LINOWES: But, if I may, to that,

1 that question there, I know that the property is not --
2 the question is, can the intervenors get permission
3 today, or at least get some understanding from the
4 Applicant whether they would object to intervenors
5 going on the property if -- without the Committee, if
6 given notice of it? Or, is it just off-limits
7 otherwise?

8 PRESIDING OFFICER IACOPINO: Well, I
9 think that you've got to address with the Applicant.
10 And, the Applicant, obviously, doesn't own -- I mean,
11 they have leases, but they may have to do something
12 with their landlords, I don't know the --

13 MS. CAREY BLOCK: It's all in current
14 use, as far as I know.

15 PRESIDING OFFICER IACOPINO: I don't --
16 yes, but I don't know what the terms of the lease are.
17 I don't know --

18 MS. CAREY BLOCK: It's in current use.

19 *[Court reporter interruption.]*

20 PRESIDING OFFICER IACOPINO: I mean,
21 you'll have to address that with the Applicant, Lisa.
22 I don't know. You know, I mean, I wouldn't be all that
23 keen on it happening, unless I had somebody there with
24 you, you know?

1 MS. LINOWES: Okay.

2 PRESIDING OFFICER IACOPINO: Just, I
3 mean, it's private property. So, --

4 Pam points out to me that there's a
5 whole slew of places that people want to go. I can't
6 imagine you really want to do more than one day, I
7 can't imagine my Committee will want to do more than
8 one day, or actually be available for more than one
9 day. So, what I'm going to ask you all to do is to
10 talk about -- well, first of all, there's a number of
11 these places here that are Forest Society that have
12 been recommended, Forest Society properties.

13 MR. LEVESQUE: Right.

14 PRESIDING OFFICER IACOPINO: I guess my
15 first question, are those just open trail/open access?

16 Okay. Mr. Levesque is shaking his head.
17 So, I assume Hedgehog and High Five are just open
18 access?

19 MR. LEVESQUE: Yes.

20 MS. ALLEN: With a parking area and a
21 trail off them.

22 PRESIDING OFFICER IACOPINO: Okay. And
23 Bacon Ledge?

24 MR. JONES: Yes.

1 PRESIDING OFFICER IACOPINO: Is that a
2 public -- publicly accessible area?

3 MR. JONES: Yes. And, it's a
4 destination for a lot of hikers.

5 PRESIDING OFFICER IACOPINO: Okay.

6 MR. JONES: And, it's within two miles
7 of a straight sightline to the Tuttle Hill.

8 PRESIDING OFFICER IACOPINO: Farmstead
9 Road, Reed Carr Road, and Craig Road are all places
10 where there are private residences. I'm assuming that
11 the owners of those residences are the folks that are
12 here, and they don't have an objection to people
13 coming. I don't even know if we have to go onto the
14 properties, but -- and those roads are all public roads
15 as well?

16 MS. VOELCKER: Yes.

17 PRESIDING OFFICER IACOPINO: Okay. All
18 right. Mrs. Block, the Cedar Swamp area, is that a
19 public access area as well?

20 MS. CAREY BLOCK: Yes. And, I'm just
21 talking about the parking area right at the base of
22 the -- right over the bridge on Loveren Mill Road,
23 right when you come over the -- you're still on the
24 road, actually.

1 PRESIDING OFFICER IACOPINO: Okay. And,
2 then, Counsel for the Public, I'm pretty sure, from the
3 prior proceeding, Bald Mountain is a publicly
4 accessible open trail?

5 UNIDENTIFIED SPEAKER: Yes.

6 *(Multiple parties speaking at the same*
7 *time.)*

8 MS. MALONEY: It is. I think it's a
9 hike, though, I think.

10 UNIDENTIFIED SPEAKER: Yes.

11 PRESIDING OFFICER IACOPINO: Is it? How
12 many miles up?

13 UNIDENTIFIED SPEAKER: Two.

14 UNIDENTIFIED SPEAKER: It's steep.

15 MR. LEVESQUE: It's steep.

16 *(Multiple parties talking at the same*
17 *time.)*

18 MR. BERWICK: The hike up Bald Mountain
19 is a mile and a half hike up, to the top of the
20 mountain.

21 PRESIDING OFFICER IACOPINO: Is it?
22 And, it's steep, huh?

23 MR. ENMAN: Yes.

24 PRESIDING OFFICER IACOPINO: Okay. And,

1 what about Goodhue Hill, getting there? Didn't we go
2 there last time? Goodhue Hill?

3 MR. ENMAN: No.

4 MS. MALONEY: No. I think that's a hike
5 as well.

6 MR. ENMAN: It's definitely a hike. Is
7 it a mile, Francie, up to the top?

8 MS. VON MERTENS: At least.

9 PRESIDING OFFICER IACOPINO:

10 MR. ENMAN: And, it's moderate.

11 PRESIDING OFFICER IACOPINO: Is that
12 Audubon property?

13 MS. VON MERTENS: Yes.

14 PRESIDING OFFICER IACOPINO: And,
15 Pitcher Mountain, I'm pretty sure that's a hike.

16 MR. JONES: That's a parking lot, public
17 parking there. And, it's about a ten minute walk from
18 the parking lot up to the place where the fire tower
19 is.

20 MS. CAREY BLOCK: That's easy.

21 PRESIDING OFFICER IACOPINO: And, Mary,
22 with respect to Meadow March, I think they mentioned
23 there was a different way to get in there than what we
24 tried or --

1 MS. MALONEY: Right. But that wasn't --
2 that wasn't hard. I don't know if there's a different
3 way. But, I mean, I'm sure it was a flat road. It
4 just, I think, it was really icy and snowy.

5 PRESIDING OFFICER IACOPINO: Right.
6 Robb Reservoir, is there a public accessible place that
7 makes a difference on Robb Reservoir? In other words,
8 where you're actually going to be able to get a view of
9 where any impact may be?

10 MS. MALONEY: I don't know.

11 PRESIDING OFFICER IACOPINO: Okay.

12 MS. MALONEY: I can look into it.

13 MR. JONES: I think that would -- has to
14 be out on the water.

15 MR. ENMAN: I agree.

16 MR. JONES: Or over on the western side,
17 which doesn't have a lot of hiker presence.

18 PRESIDING OFFICER IACOPINO: Well, the
19 Site Evaluation Committee doesn't have a boat yet. So,
20 -- we have an administrator, but we don't have a boat.

21 *[Laughter.]*

22 DR. WARD: I would suggest that you
23 could end it on the west side of Robb Reservoir, in my
24 living room, with wine. You may need it after all of

1 this.

2 PRESIDING OFFICER IACOPINO: Thank you.

3 MR. JONES: If you hurry up, while the
4 ice is still firm, you can go there now.

5 PRESIDING OFFICER IACOPINO: I'm not
6 letting my Committee go out on any ice right now. It's
7 50 degrees out there. Franklin Pierce Lake, it that in
8 Hillsborough? Is that where --

9 *[Court reporter interruption - multiple*
10 *parties speaking at the same time.]*

11 PRESIDING OFFICER IACOPINO: Okay. All
12 right. Let's try to just speak one at a time. Mary,
13 you asked about Franklin Pierce Lake. I know that
14 there's a beach in Hillsborough, I think, there. Is
15 that the area you're talking about?

16 MS. MALONEY: I don't think so. I don't
17 think it's visible from that area.

18 PRESIDING OFFICER IACOPINO: Okay.

19 MS. MALONEY: So, I can look into that.

20 PRESIDING OFFICER IACOPINO: Okay. And,
21 then, Windsor Mountain?

22 MS. MALONEY: I think that --

23 UNIDENTIFIED SPEAKER: Annie Law.

24 MS. MALONEY: Right. I think that this

1 is something that Annie Law and Bob Cleland had brought
2 up. And, that's --

3 PRESIDING OFFICER IACOPINO: Well,
4 they're here.

5 MS. MALONEY: Right.

6 PRESIDING OFFICER IACOPINO: Let's let
7 them speak to it. Bob?

8 MR. CLELAND: Yes. We live on Windsor
9 Mountain, two-thirds of the way up. And, our driveway
10 is actually an extension of Farmstead Road. And, it's
11 a Class 5 road up to our driveway. And, it's
12 accessible.

13 PRESIDING OFFICER IACOPINO: Okay. And,
14 is that the area that you'd want the Committee to be
15 looking at?

16 MR. CLELAND: Yes. Right at our house,
17 and we have a field next to it, and you can see the
18 whole ridgeline from there.

19 PRESIDING OFFICER IACOPINO: Okay. And,
20 the Class 5 road is a public road?

21 MR. CLELAND: Yes, it is.

22 PRESIDING OFFICER IACOPINO: Okay.
23 Mary, is that the area you were talking about or do you
24 want us go up to the peak?

1 MS. MALONEY: No. That's what I was
2 talking about.

3 PRESIDING OFFICER IACOPINO: Okay.

4 MR. CLELAND: We could go to the peak.
5 It's five minutes.

6 PRESIDING OFFICER IACOPINO: Okay.

7 MR. CLELAND: It depends on the
8 Committee, how they feel. But you can see -- you can
9 see the whole ridgeline from our property.

10 PRESIDING OFFICER IACOPINO: Is there a
11 public trail --

12 MR. CLELAND: Yes.

13 PRESIDING OFFICER IACOPINO: -- up to
14 the peak?

15 MR. CLELAND: The land bordering us is
16 in an easement with the Forest Society, for the Bagley
17 Farm Corporation.

18 PRESIDING OFFICER IACOPINO: That's off
19 of Farmstead Road then, right?

20 MR. CLELAND: Correct.

21 PRESIDING OFFICER IACOPINO: Okay.
22 Mr. Jones?

23 MR. JONES: If there's any question
24 about whether -- what the sightline is from any of

1 these points, I do have Terrain Navigator software that
2 has a sightline analysis capability, where you can
3 raise one end to the height of the towers and see
4 whether or not you had the visibility. I'd be willing
5 to run that analysis on any of these sites that you
6 might have questions on it.

7 PRESIDING OFFICER IACOPINO: Well, you
8 might want to think about that for your own testimony.
9 The site visit is really just an ability for the
10 Applicant -- for the Applicant and the parties and the
11 Committee to get out there and get a feel for what the
12 area is. We do have the sims sometimes at the various
13 spots. A lot of these, the nice thing is a lot of
14 these were issues that came up in the last hearing.
15 So, we know, we have a pretty good handle on, you know,
16 we have the prior exhibits. So, --

17 MR. JONES: Right. But, on some of the
18 sites that were offered here today, there's a question
19 about where you could see it from Robb Reservoir, I
20 mean, I could do an analysis to let you know whether it
21 would be worth your time or not to include that.

22 PRESIDING OFFICER IACOPINO: I know.
23 The concern that I have, though, is that it takes --
24 you would be subject to cross-examination for the

1 manner in which you did your analysis. Okay? That's
2 all. I mean, I'm not -- we're trying to just get the
3 generalized areas at this point. I don't want to go
4 out there and be doing measurements or anything that --
5 or saying that, you know, this is "X" number of feet or
6 whatever. That's really up to the Subcommittee to make
7 their own determinations on how -- what the impact will
8 be.

9 So, Ms. Longgood?

10 MS. DULEY LONGGOOD: I didn't hear you,
11 in this last discussion, mention Salmon Brook Road, I
12 think that's important, since it abuts the project.
13 And, the last committee did do a visit to that site.
14 So, --

15 PRESIDING OFFICER IACOPINO: Yes. And,
16 that's just a public road all the way up --

17 MS. DULEY LONGGOOD: It's a public road,
18 I'm the last electrified house on that road.

19 PRESIDING OFFICER IACOPINO: Yes. I
20 remember that. Yes. I was just asking the stuff that
21 I was trying to get an where we would have to climb.

22 Ms. Von Mertens.

23 MS. VON MERTENS: I've got two points.
24 If any of these sites are ones that there's visual

1 simulations have been done, I would suggest that those
2 would be sites not to visit, because we've got the
3 photosimulations.

4 PRESIDING OFFICER IACOPINO: Well, I
5 think that Counsel for the Public actually is concerned
6 and wants to go out where some of the sims from the
7 prior docket at least were, because of I think they --
8 my understanding, and I'm not advocating for one party
9 or another here, but my understanding is they want an
10 idea of the surrounding that you're actually in as
11 you're observing, if I understand the issue correctly.

12 MS. MALONEY: That's correct.

13 MS. VON MERTENS: And, the other point
14 would be, if there is talk of a balloon, it would make
15 it so much easier if there was a balloon to "okay,
16 there it is, there's the ridgeline, and that's the
17 height", and then move on. And, it could be a much
18 greatly expedited day in the field.

19 PRESIDING OFFICER IACOPINO: It might
20 be. But it might be a longer day, too, if that balloon
21 is going like this *[indicating]*. So, there are, you
22 know, there are concerns. And, like I say, we'll have
23 to address that. I'm not going to -- you know, I
24 certainly don't have any authority to say "yea" or

1 "nay". And, it's something that needs to be looked
2 into. And, I think the Applicant needs to have the
3 ability to look into it deeper as well.

4 So, I think what I'm thinking is that,
5 to the extent the folks in this room can agree on sites
6 that absolutely the Committee should go and see, I
7 encourage you to do that and file some kind of
8 stipulation with respect to that. If you can't, I have
9 a list. I can't guarantee that, if we do do a second
10 site visit, that all of them will be gone to. The
11 Presiding Officer will make some kind of determination
12 based on that. And, there may be -- there may be an
13 opportunity to weigh in again, before any final site
14 visit plan is structured.

15 I'm sorry, Lisa, I interrupted you.

16 MS. LINOWES: No. Sorry about that. If
17 I may, if you have -- you have the final list there.
18 Is there a way that you can just e-mail that to all of
19 us? I mean, there are people clearly in this room --

20 PRESIDING OFFICER IACOPINO: I will put
21 it in the report of prehearing conference.

22 MS. LINOWES: Okay. But before a
23 decision is made on the site walk? Because the reason
24 I'm asking is, that there are clearly people in this

1 room that know this area better than others. And, if
2 they could prioritize and even lay out the map for how
3 to get from one place to the other where we optimize
4 our time, that will helpful.

5 PRESIDING OFFICER IACOPINO: I'm not
6 anticipating that the procedural schedule will include
7 the waypoints on any subsequent site visit.

8 MS. LINOWES: Okay.

9 PRESIDING OFFICER IACOPINO: But I will
10 put these places in that these were places that were
11 requested in the prehearing report. Like I say, if you
12 all can come up and agree on which ones do we all agree
13 on we really have to go to, get that list filed as a
14 stipulation. And, then, you know, I suspect you'll
15 have in the scheduling order whether there will be a
16 second site visit, but the points on it may not be
17 confirmed, in fact, it won't be confirmed in the
18 scheduling order. There will be a subsequent agenda
19 that will come out saying where we're going to go,
20 similar to what happened just prior to the last visit.

21 MS. LINOWES: Okay. So, there will be
22 time, from the point when you issue that order with the
23 schedule, to when a site visit is finalized, that we
24 can put together a prioritized list, and --

1 PRESIDING OFFICER IACOPINO: Yes. But I
2 encourage you to start now.

3 MS. LINOWES: Okay.

4 PRESIDING OFFICER IACOPINO: Okay? And,
5 by tomorrow or the next day, this prehearing report
6 will be out.

7 MS. LINOWES: Okay.

8 PRESIDING OFFICER IACOPINO: And, so,
9 you'll have a list of all the places that everybody is
10 talking about, I encourage you all to start now. And,
11 unless the Presiding Officer says "no more site visit",
12 then, you know, he says "there will be another site
13 visit", we've got some logistics to deal with. I doubt
14 that you'll have a date in this order. But we'll have
15 some logistics to deal with.

16 MS. LINOWES: Okay. Thank you.

17 PRESIDING OFFICER IACOPINO: Okay? All
18 right. I think that takes care of additional site
19 visit. Lisa, I think you had some questions you said
20 you wanted to raise in "other business"?

21 MS. LINOWES: Yes, I do. Thank you.
22 And, they're really minor. The first one is, the rules
23 now say, and maybe it's always said that, but the
24 electronic filings are preferred, unless there's a

1 party that cannot make them. I just wanted to confirm
2 today that, does anyone know of any party that cannot
3 receive electronic filings or are we in -- or, if there
4 have been any objections?

5 PRESIDING OFFICER IACOPINO: My
6 understanding is nobody has notified the Committee that
7 they cannot receive electronic filings. And, as far as
8 I know, we have e-mails from everybody. So --
9 Ms. Longgood, you're raising your hand?

10 MS. DULEY LONGGOOD: Clark Craig,
11 Junior, does not have e-mail access, and he is an
12 abutter.

13 PRESIDING OFFICER IACOPINO: Okay.

14 MS. DULEY LONGGOOD: And, he's an
15 intervenor.

16 PRESIDING OFFICER IACOPINO: Okay.

17 MS. DULEY LONGGOOD: But I can get him
18 information.

19 PRESIDING OFFICER IACOPINO: All right.
20 So, there's just the one.

21 MS. LINOWES: Great. It will be --

22 PRESIDING OFFICER IACOPINO: And, did
23 he -- he gave us his address, didn't he? It must have
24 been in his motion to intervene.

1 MS. DULEY LONGGOOD: Yes. He's on Craig
2 Road.

3 PRESIDING OFFICER IACOPINO: Yes. Okay.
4 All right.

5 MS. LINOWES: And, the other question I
6 had, has anything changed from 2013 until now that
7 would permit expert witnesses to attend the actual
8 adjudicative hearings by electronic means? Or, is it
9 still a requirement that they be in the room?

10 PRESIDING OFFICER IACOPINO: No, we had
11 Skype testimony during the thing.

12 MS. LINOWES: That was only because --
13 that consideration was granted because he, on the day
14 that the witness was here, the Committee could not get
15 to them, and he could not be here for the next
16 scheduled day.

17 PRESIDING OFFICER IACOPINO: I'm
18 assuming that the hearings will be in this room. And,
19 I'm aware that we do have the capability here. What I
20 would encourage you is, if you are going to proffer a
21 witness by electronic means, that you file a motion in
22 advance, talk to the other parties. I suspect that the
23 answer should be, if there is the means to do it, why
24 would anybody object? But, you know, do file it like

1 any other motion. File it well in advance, though,
2 because I'll probably ask Pam to come in here and make
3 sure it works.

4 MS. LINOWES: That would be hugely
5 helpful, because, again, I think it was a little bit --

6 PRESIDING OFFICER IACOPINO: Let me just
7 say, though, is that we do encourage the witnesses to
8 be here live, okay? You actually, at least in my
9 experience, you actually see more of the witness's body
10 language when they're on the screen back there. But,
11 you know, you are running the risk of a commuter
12 breakdown or a problem with the system. And, it's
13 always better to have the live witness here, you know.
14 But the way that it's configured, you only see them
15 pretty much from the neck up when they're sitting at
16 this witness stand. But the preference is for the live
17 witness. If there's a witness that cannot be here, and
18 the only way that you can do it is by electronic means,
19 then file a motion, okay? You know, it did work in the
20 past. We did have a little bit of flutter with the
21 sound expert. But I think we'll, you know, we'll,
22 obviously, consider the motion.

23 MS. LINOWES: Okay. Thank you. And, at
24 least I know that it's not out of the question. And,

1 then, the other thing, and this is an easy question,
2 then for technical hearings, we've always -- there have
3 generally been witnesses that have come electronically,
4 and I assume that's going to continue to be the case.

5 PRESIDING OFFICER IACOPINO: Yes. We
6 have done that telephonically. And, I will tell you is
7 that the history is that we haven't always had a place
8 as luxurious as the Public Utilities Commission for the
9 Site Evaluation Committee to meet. And, in the past,
10 we've had technical sessions at my office. So, it
11 would -- do not be surprised if the technical session
12 is scheduled somewhere other than this particular
13 building. Because, actually, I know that Applicant's
14 counsel has a very good teleconferencing system that
15 we're going to use pretty soon for a tech session.
16 So, --

17 MR. NEEDLEMAN: Are you volunteering us
18 for something?

19 PRESIDING OFFICER IACOPINO: Well, I may
20 be. And, you know, so -- and please don't think that
21 that's some kind of ceding control to the Applicant if
22 we decide to use their conference room for something,
23 or the conference room in my office, for that matter.
24 There is -- sometimes there are benefits for everybody

1 in doing that. I don't know if it's going to happen or
2 not, but it is a possibility.

3 In fact, I think, in the original -- the
4 original jurisdiction hearing here, I think we had some
5 kind of, I don't know, it may have even been a
6 prehearing conference at my office, way back when.

7 So, in any event, any other questions,
8 Lisa?

9 MS. LINOWES: That's it. Thank you.

10 PRESIDING OFFICER IACOPINO: Dr. Ward?

11 DR. WARD: You may wonder what happens
12 when you get five meteorologists together, and the
13 answer is "trouble". I'm under pressure from my
14 cohorts to get an answer to a very simple question.
15 Why, in the predictive post-construction noise
16 modeling, can't we use experiments, measures that are
17 taken at an existing industrial wind facility, because
18 it doesn't make any difference what the exact sound is?
19 All we're trying to get is the diminution, absorption,
20 whatever it is, between the windmill and some distance,
21 under different meteorological conditions and under
22 different topographic conditions? And, rather than
23 trying to use a model, which doesn't really do it, why
24 wouldn't the obvious thing, simpler, cheaper, to merely

1 make some noise measurements at and around an existing
2 industrial wind facility? And, I can't answer that
3 here.

4 PRESIDING OFFICER IACOPINO: Well, you
5 could do that, though. Correct? I mean, you could go
6 to --

7 DR. WARD: I would think it would be
8 easier for the Applicant to do that, rather than come
9 in with all these models.

10 PRESIDING OFFICER IACOPINO: Okay. But
11 it's something you could do. I mean, it's something
12 that, if you thought that would be helpful to the
13 Committee, you or your expert could do that. You could
14 find an existing wind facility, and you could take
15 those measurements, and present testimony about your
16 findings.

17 DR. WARD: Yes, we could.

18 PRESIDING OFFICER IACOPINO: Okay. We
19 can't tell the Applicant what to do. I mean, we can,
20 but that's not normally the way things are done. They
21 are, you know, they have the obligation to present
22 their case. And, their case will rise or fall on the
23 evidence that they present, and the evidence that is
24 presented by other parties. If you believe that doing

1 that type of experiment would be helpful to the
2 Committee, and you believe it would be admissible
3 evidence, you're free to undertake that type of
4 experiment, and present your findings to the Committee,
5 or hire an expert to do so, whatever.

6 DR. WARD: Well, you understand that
7 we're all doing this for free. And, you're running up
8 a good size bill. Whereas they are doing these things
9 for pay anyway. And, it seems to me that that would be
10 not only better, faster, cheaper, but much more
11 dispositive. If I -- I guess I ought to ask the
12 question. Is there any point in these proceedings
13 where we could bring that in, other than by the method
14 you suggest?

15 PRESIDING OFFICER IACOPINO: Well,
16 somebody would have to -- somebody would have to do the
17 experiment that you're talking about, Doctor. Okay?
18 So, somebody would have to do it.

19 DR. WARD: Right.

20 PRESIDING OFFICER IACOPINO: And, I
21 assume there would be some kind of report or testimony
22 that would come out of that experiment. And, that
23 would be presented by whichever party chose to do so to
24 the Committee. So that, you know, that's the -- the

1 answer to your question is "yes", in your prefiled
2 testimony or the prefiled testimony of any party who
3 wishes to do that.

4 Mr. Kenworthy, you have an answer?

5 MR. KENWORTHY: Thanks, Mike. I just
6 wanted to say that -- a couple of quick things. One is
7 that the models that we use obviously are a requirement
8 under the SEC's rules. But, Dr. Ward, I would also
9 encourage you to read the actual sound study that we've
10 submitted, where we reference post-construction noise
11 measurement programs that have been undertaken at
12 operating wind farms already. And, so, there are
13 references to those studies that have been performed,
14 and we do reference them in our study. And, I think
15 you'll find that what we report in there is that the
16 predictive modeling that we use, which is required by
17 the standard, is conservative and that that bears out
18 in the post-construction measurement programs that have
19 been undertaken.

20 DR. WARD: I have read those things,
21 Jack. And, the problem that we have, which is the
22 problem with ISO 9613-2, is that, yes, everybody talks
23 about the worst case for some. Well, the worst case is
24 a very -- can be -- is likely to be a very particular

1 meteorological condition. And, the references that
2 Jack refers to don't cover those things. They just
3 don't.

4 And, it seems so easy, since we have
5 operating wind farms, why not have the Applicant go out
6 as part of his thing, rather than doing ISO 9613-2. I
7 guess my question is, is there some point at which I
8 can make that request?

9 PRESIDING OFFICER IACOPINO: You can
10 request anything, okay?

11 DR. WARD: Where and when? When?

12 PRESIDING OFFICER IACOPINO: You can
13 file a motion and request whatever you would like.
14 Okay? I'm just saying that it's not the normal way
15 that the process goes. Usually, the Applicant presents
16 its evidence. Then, the intervenors present their
17 evidence. And, a lot of what you're doing right now
18 would be testimony, because you are testifying about
19 what you believe to be deficiencies in the evidence
20 that has been presented by the Applicant. So, you can
21 file prefiled testimony asserting your opinions, saying
22 why the studies that he's relying on are inappropriate.
23 You certainly have the opportunity to do that.

24 To the extent that you wish to do some

1 kind of experiment, you can go out and do that as well,
2 and present that to the Committee, and within the
3 timeframes that have been established.

4 DR. WARD: Well, this came up as the
5 balloon study. That's sort of a thing that people
6 wanted the Applicant to do. I guess I'm asking, why
7 not this?

8 PRESIDING OFFICER IACOPINO: Well, you
9 can -- you'll have opportunities. You'll have
10 opportunities to make data requests, and you'll have
11 opportunities to make a motion to the Committee, if
12 that's what you wish to do, Dr. Ward.

13 Any other questions? Any other
14 business?

15 Mr. Jones.

16 MR. JONES: Yes. Would the use of
17 visual aids be possible during the testimony, during
18 the technical sessions?

19 PRESIDING OFFICER IACOPINO: Sure. If
20 you, when you present your expert, or you, when you're
21 questioned, and you have visual aids, that's fine.

22 MR. JONES: So, there's a capability for
23 PowerPoint images?

24 PRESIDING OFFICER IACOPINO: Well, bring

1 your own computer. Do we have a projector? There's a
2 projector up there. I don't know if -- perhaps we can
3 go off the record for a moment.

4 *[Brief off-the-record discussion*
5 *ensued.]*

6 PRESIDING OFFICER IACOPINO: Okay, we'll
7 go back on.

8 MR. JONES: So, if I bring a USB --

9 PRESIDING OFFICER IACOPINO: Wait. Wait
10 one minute. Okay. The answer to that question is,
11 apparently, the Public Utilities Commission has some
12 equipment with which we can do that. We'd have to get
13 their permission. I'm sure they will give to us. So,
14 yes. If you brought either your own computer or --

15 MR. JONES: A thumb drive.

16 PRESIDING OFFICER IACOPINO: -- a thumb
17 drive, whatever, some medium, having what your -- you
18 know, and that would obviously be marked. I would
19 recommend -- by that point, you've already given your
20 testimony. So, I would recommend that, in your
21 testimony, if you have a PowerPoint, you make it as an
22 exhibit to your testimony first, okay? Because we
23 don't -- what we try -- the reason why we have prefiled
24 testimony is we want to avoid surprises. You come in

1 and you say "A, B, C" today in your prefiled testimony,
2 and then you come in on the day of trial and you say
3 "X, Y, Z", and nobody's prepared for it.

4 So, to the extent you have a PowerPoint
5 or some visual aid, pictures, simulations, whatever it
6 is you wish to present, it is best presented as part of
7 your prefiled testimony or as an attachment to it.

8 MR. JONES: Very good. Thank you.

9 PRESIDING OFFICER IACOPINO: And, then
10 you can then bring it to the technical session and
11 people can ask you questions about it.

12 Mr. Levesque.

13 MR. LEVESQUE: I've had a number of
14 individuals from town ask me if they had their only
15 bite at the apple with the SEC Subcommittee earlier
16 this week in town? Or, will there be another public
17 hearing? And/or is their opportunity for folks, who
18 are not in this room, to provide, you know, general
19 letters of support or otherwise during the whole
20 adjudicatory process or, you know, what's the story
21 there? I probably should know, but I know I don't
22 know.

23 PRESIDING OFFICER IACOPINO: I don't
24 anticipate another public hearing. We've already had a

1 Public Information Session run by the Committee, and a
2 Public Hearing with the Committee members there.

3 I'd advise you to look at RSA 162-H,
4 there are some provisions in there for subsequent
5 public hearings. The Committee does not have to do
6 them. But, if somebody wishes to move the Committee to
7 do one, you should look at the statute.

8 With respect to comments, we will take
9 written public comments right up through the time we
10 start deliberation. And, they should be sent just to
11 Ms. Monroe, and Ms. Monroe distributes them to the
12 Committee members.

13 You know, you do raise one point,
14 though. There have been times in some other public
15 hearings -- other adjudicative hearings where we've
16 taken an hour at the beginning of the day to just hear
17 public comment here, in the hearings room. I don't --
18 we haven't done that in the last few dockets that we've
19 had. It is a possibility. I would suggest that, if
20 it's something that you think you would like, make a
21 motion for it, only because it may get lost in the
22 shuffle, if there's nothing on paper requesting it.
23 Okay?

24 You know, and to be perfectly honest,

1 we've had situations where public officials from the
2 state have asked to come in and make a statement about
3 a particular project to us, and we've actually
4 interrupted the proceedings to take those statements
5 out of comity for other branches of government.

6 But, if it's something that you think
7 there is a call for, you should file a motion for it,
8 so we don't lose track of it.

9 Somebody else had their hand up?

10 Ms. Block.

11 MS. CAREY BLOCK: I was just going to
12 ask that specific question, that we had done that last
13 time in the hearings.

14 PRESIDING OFFICER IACOPINO: Did we do
15 that in this the last time?

16 MS. CAREY BLOCK: Yes. Yes, we did.
17 Yes, we did. Yes.

18 MS. VOELCKER: One morning, for two
19 hours.

20 PRESIDING OFFICER IACOPINO: Was that
21 the morning of Hurricane Sandy?

22 MS. CAREY BLOCK: I don't think so, no.
23 No.

24 PRESIDING OFFICER IACOPINO: That did

1 happen.

2 MS. CAREY BLOCK: Yes.

3 PRESIDING OFFICER IACOPINO: We started
4 this in the middle of Hurricane Sandy. I sat here and
5 watched all my Committee members leave.

6 MS. CAREY BLOCK: Right.

7 PRESIDING OFFICER IACOPINO: Okay. Is
8 there any further business? Any further questions?
9 Anything that I can answer for anybody?

10 *[No verbal response]*

11 PRESIDING OFFICER IACOPINO: All right.
12 I will issue a prehearing report that will be followed
13 by a procedural schedule issued by our Presiding
14 Officer. And, we will proceed from there.

15 Again, I encourage you all to talk to
16 each other. I know that sometimes it's difficult to
17 do, especially when you're on opposing sides of things.
18 But a lot of this stuff, and a perfect example is
19 "where do we go on another site visit?" A lot of these
20 things are best resolved amongst you all informally.
21 Any point in time, if you need meet to mediate an
22 issue, just give me a call and I will do the best that
23 I can with it, or call Pam. Actually, call Pam.

24 *[Laughter.]*

1 PRESIDING OFFICER IACOPINO: Only
2 kidding. Only kidding. Any other business?

3 MS. LINOWES: Actually, Mike, that does
4 raise a question. Because, in general, should we
5 direct our questions to Pam, and then she would engage
6 you or is that -- that's what I'm sort of thinking it
7 is. But I, you know, I don't know how it works now,
8 so --

9 PRESIDING OFFICER IACOPINO: That's
10 fine. You can call Pam first, that's --

11 MS. LINOWES: Thank you.

12 PRESIDING OFFICER IACOPINO: -- I don't
13 have any problem with that. I'm sure, if it's
14 something that I need to weigh in on, she'll let me
15 know.

16 And, just another thing, so everybody
17 should know, some people in the room know better than
18 others, but the Site Evaluation Committee has a huge
19 amount of stuff on its plate right now, and with more
20 coming. So, please, we ask that you bear with us, if
21 it takes a little bit longer than normal to get back to
22 you, if you send us an e-mail or have a question.
23 We're dealing with the Northern Pass, we're dealing
24 with Merrimack Valley, which is a -- we'll have three

1 transmission lines and a gas pipeline on our dockets
2 before the end of this case. So, please bear with us.

3 Seeing no other business, we are
4 adjourned.

5 ***(Whereupon the prehearing conference was***
6 ***adjourned at 12:16 p.m.)***

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